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A SHORT
V I E W
OF THE
H I S T O R Y
OF THE

New England Colonies,

With Respect to their

CHARTERS and CONSTITUTION.

By ISRAEL MAUDUIT.

THE FOURTH EDITION.

To which is now added, An Account of a Conference between the late Mr. Grenville and the several Colony Agents, in the Year 1764, previous to the passing the Stamp Act. Also the ORIGINAL CHARTER granted in the 4th of Charles I. and never before printed in England.

L O N D O N:

Printed for J. WILKIE, at Number 71, in
St. Paul's Church-yard. MDCCLXXVI.

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H I S T O R Y
OF THE

New England Colonies

CHARTERS AND CONSTITUTION

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L O N D O N
Printed for J. WILKINSON, at Number 11, in
St. Paul's Church-yard, near the North Gate.

The Province of Massachusetts Bay, being one of the first Colonies, they have

valued themselves upon their

their public Proceedings, as well as in their private Writings, have been constantly holding out to us their first Charter rights, and the original

Terms of their Colonization.

This makes it necessary to examine what those Charter Rights are, and what is that Degree of

Authority which belongs to them, and how the

that Constitution which they possess is

is this, that the Grants are Grants only from the Crown: And that no Grant of the Crown can

be made to any Person, which the Crown could not have been holding, that the Crown Power of one

Part of the Legislature should be superior to the

but whatever may have been the Principles of

IN all the late *American* Disturbances, and in every Attempt against the Authority of the

British Government, the People of *Massachusetts Bay* have taken the Lead. Every new Move

towards Independence has been theirs: And in every fresh Mode of Resistance against the Laws,

they have first set the Example, and then issued their admonitory Letters to the other Colonies to

follow it.

The Province of *Massachusetts Bay* being one of the first Charter Governments, they have greatly valued themselves upon that Account. And in their public Proceedings, as well as in their private Writings, have been constantly holding out to us their first Charter Rights, and the original Terms of their Colonization.

This makes it necessary to examine what those Charter Rights are, and what is that Degree of Authority which belongs to them. And here the first Consideration which obviously presents itself, is this, that these Charters are Grants only from the Crown: And that no Grant of the Crown can supersede the Authority of an Act of Parliament. At no Period of our History therefore could it have been possible, that the single Power of one Part of the Legislature should be superior to the joint Authority of the Whole.

But whatever may have been the Principles of the Constitution, it must be confessed, that the Power of the Crown, during the arbitrary Reign of the *Stuarts*, was extremely undefined and but little understood. And, tho' checked by the Civil Wars, was never clearly fixed till the Revolution. In the two first of these Reigns Men were much more intent on getting Grants from the Crown, than on disputing the validity of them. In an Age therefore while the Subject was in the dark,
and

and the Prerogative undefined, a just Allowance ought to be made to the Ignorance and Prejudices of the Times. And some Indulgence would certainly be due to any of the Subjects, who were misled by them, and had placed a greater Degree of Dependence on them than they deserved. Should it therefore appear, that the Charters of King *James* and *Charles* the First did really contain a Grant of all those extensive Rights, which are now assumed; and that the Royal Assurance of the full Enjoyment of these Privileges was the real Ground and Motive upon which the Country was first peopled, this Consideration ought doubtless to have its weight. Although the Crown might not have a Right to grant such exclusive Privileges, yet the Grants having once been made, and the Colonists having settled upon the Faith of them, they doubtless thereby acquire a Sanction and an Authority, which nothing but the most urgent Necessity can justly alter. Though wrongly given, they are rightly established, and it would be much more wrong to take them away.

What those Rights are, which are really contained in them, will appear from the following short Account of their first Settlement and Charter, with their Opinions and Practice upon it.

The Reader will find the same Account in *Neal's* and *Douglass's*, and *Hutchinson's* Histories. I have only extracted it for his Ease, from a Variety of other Matter, in which the present question is not concerned. This last History is by much the best; and Mr. *Hutchinson*, being himself Lieutenant Governor and Chief Justice of that Province, and of a Family that was among the first Settlers, is doubtless the most unexceptionable Authority.

The fresher and more perfect Discoveries of the Coast of *North America*, and some successful Voyages which had been made thither, in the Beginning of the last Century, led a Number of Gentlemen and Merchants into an Opinion, that they might raise to themselves great Estates by sending People from *England* to settle in that Country, and trade with the Natives of it. They applied to the Crown, and King *James* in one Patent granted the whole *North American* Continent, from the Latitudes 34 to 45, to two Companies of such Merchant Adventurers. The Southern Part to a Set of *Londoners*, and the Northern to a Set of Merchants living in the West of *England*, chiefly at *Plymouth*, and therefore called the *Plymouth Company*.*

* This Charter, and a second Charter of *James I.* are printed at the End of *Stubb's* History of *Virginia*; and in a Collection of Charters lately published.

The

The two Companies, in order to make the proper Advantage of their Grants, engaged a Variety of People to go over. The first Attempts, especially those to the Northward, were unsuccessful; and the Adventurers spent large Sums of Money in sending out Settlers, who were soon discouraged and returned Home.

In the Year 1608, a Set of religious People, who called themselves *Brownists*, and who held it unlawful for them to join in Communion with any other Church, having been persecuted in *England*, removed themselves to *Holland*, for the peaceable Enjoyment of their own Mode of Church Worship and Government. In a very few Years they found that their Children, by entering into the *Dutch* Sea and Land Service, degenerated into the Manners of the Country, and would become *Dutchmen*, and that their Church would thereby soon be brought to an End.

To prevent this, which they thought a Matter of infinite Importance, they formed a Design of going to live by themselves in *America*. For this Purpose, in the Year 1617, they sent over two Agents to treat with the *London* Patentees; offering to transport themselves into their Part of that Country, and desiring only, that the Company would petition the King to grant them Liberty in their Religion under the great Seal. The King's

Answer was, that he would not disturb them as long as they lived peaceably; but that he would not tolerate them by his public Authority under his Seal. This discouraged them: The Agents returned to *Leyden*, and they laid aside the Design for that Year. But being more and more alarmed with the Danger of remaining in *Holland*, they at length resolved to adventure upon this verbal Declaration; and having sent over their Agents a second Time, after long Attendance they obtained a Grant of Land under the Seal of the *London Company*, made out to Mr. *John Wincob*, a Gentleman living with the Earl of *Lincoln*.

Upon the Grant of this Patent they came over to *England*; and sailing from *Southampton* in *August* 1620; leaving the Patent of the Possession of Mr. *Wincob*, who remained in *England*.

In their Voyage to *America* they were driven to the Northward, and landed near *Cape Cod*; where, finding that they were got into the limits of the *Plymouth Company*, they called the Place they settled in *New-Plymouth*, in *New-England*.

Some Mutterings, which had been heard among those of an inferior Class, that when they should get ashore one Man would be as good as another, convinced them during their Passage, that Religion alone would not keep the Peace, without the

the Authority of Government : This led them to draw up the following Instrument, which every Man signed before he landed.

“ In the Name of God, Amen.—We whose
 “ Names are underwitten, the loyal Subjects of
 “ our dread Sovereign Lord King *James*, by the
 “ Grace of God of *Great Britain, France, and*
 “ *Ireland*, King, Defender of the Faith, &c.
 “ Having undertaken for the Glory of God
 “ and Advancement of the Christian Faith, and
 “ Honour of our King and Country, a voyage
 “ to plant the first colony in the northern Parts
 “ of *Virginia*, do by these Presents, solemnly
 “ and mutually, in the Presence of God and of
 “ one another, covenant and combine ourselves
 “ together into a civil Body politic, for our
 “ better Ordering and Preservation, and Fur-
 “ therance of the Ends aforesaid, and by Vir-
 “ tue hereof to enact, constitute, and frame
 “ such just and equal Laws and Ordinances,
 “ Acts, Constitutions, and Offices, from Time
 “ to Time, as shall be thought most meet
 “ and convenient for the general Good of the
 “ Colonies, unto which we promise all due
 “ Subjection and Obedience. In Witness
 “ whereof we have hereunto subscribed our
 “ Names at Cape Cod the 11th of November, in
 “ the Year of the reign of our Sovereign Lord
 “ King

" King *James* of *England*, *France*, and *Ireland*,
 " the 18th, and of *Scetland* the 54th, *Anno Dom*.
 " 1620."

Signed JOHN CARVER,
 and forty others,

Such was the first of all the *New England* Settlements; and such the Foundation upon which was built the Colony of *New Plymouth*.

No one, I suppose, will here find a Plea of Independence; or imagine that Sir *Edwin Sandys* and a Company of *London* Merchants could sell to these poor People a Dismission from the *English* Government: Or that a Grant of their Land, which they afterwards purchased from the *Plymouth* Council, could render them less subject to the Authority of *England*, than they would have been without it. They themselves most certainly did not think it did, else they needed not to have applied to the King for Liberty of Conscience.

This Colony of *New Plymouth* remained a separate Government till the Revolution. After which, by King *William's* Charter, it was annexed to the Province of *Massachusetts Bay*, whose Origin I now relate.

Many of the first West Country Patentees, after having spent large Sums of Money in sending over Settlers

Settlers to no Purpose, were discouraged by their Losses, and inclined to quit the Adventure.— But there were other Noblemen and Gentlemen, who were ready to take it up, and upon their Application to the King they obtained a new Grant of all the Country between the Latitudes 40 and 48, by a Patent bearing Date the 3d of *November*, 1620; and made out to them under the Title of “The Council established at *Plymouth* in the County of *Devon*, for the planting, ruling, ordering, and governing of *New England* in *America*, their Successors and Assigns.” This was afterwards called *the Grand Plymouth Patent*.

With these second Patentees, Mr. *White*, a Clergyman of *Dorchester*, having projected a new Settlement, as an Asylum for ejected Ministers, entered into Treaty. In consequence of which this *Plymouth* Council, by their deed indented under their common Seal, gave, granted, bargained, and sold to Sir *Henry Roswell*, and five other *Dorsetshire* Gentlemen, their Heirs and Assigns, and their Associates for ever, all that Part of *New England* therein described, at the Bottom of a certain Bay, there commonly called *Massachusetts Bay*.

This Grant from the *Plymouth* Council to Sir *Henry Roswell*, &c. is manifestly copied from their own Patent which had been granted from the Crown. The *Plymouth* Company grant, bargain, fell,

sell, infeoff, alien, and dispose to Sir *Henry Roswell* and his five Associates the Tract of Country there described, and all Jurisdictions, Rights, Royalties, Liberties, Freedoms, Immunities, Privileges, Franchises, Pre-eminences, and Commodities whatsoever, which they themselves, the said Council established at *Plymouth*, had or might exercise or enjoy within the said Lands,

Does the Reader imagine, That an Exemption from the Jurisdiction of Parliament was among the Privileges and Immunities thus sold? or that a Company of Merchants living at *Plymouth*, granting a Tract of Land to another Set of Merchants residing in *Dorsetshire*, could convey to them a Power of alienating their Allegiance; or of enabling any other Subjects to withdraw their Obedience from the Authority of the King, Lords, and Commons of the Realm?

These *Dorsetshire* Patentees, finding that the Charge of sending out and maintaining such a Number of Settlers would be too great for them, applied to several Gentlemen of *London* to take a Part in the Adventure. Sir *Richard Saltonstall* and several others agreed to enter into the Company, and engage with them. But upon Condition, that their Names also should be inserted in the Patent as original Proprietors, and that the King should be petitioned to confirm the Agreement. This

was

was accordingly done, and a new Draught of the former Patent, with the names of these new Adventures inserted in it, having been drawn out, was confirmed by the King, and passed the Seals on the 4th of *March* 1628.

The Patent from the *Plymouth* Council gave to the Patentees a Right to the Soil; but conveyed none of the Powers of Government requisite to the Establishment of a joint Company.

The Royal Patent or Charter, after confirming this Sale to the six *Dorsetshire* Men, and to twenty others their Associates, created them a Corporation, appointed for them their first Governors and Assistants, and impowered them annually to chuse their Successors upon the first *Wednesday* in *Easter* Term.

The Company met accordingly on the 13th of *May* 1628, and chose a Governor, Deputy Governor, and eighteen Assistants. And at the same Court agreed, that every one of the Company, who should subscribe 50*l.* should have 200 Acres for their first Dividend, and proportionably for any greater sum. A List of the Names of the Subscribers, and the Sums subscribed, was transmitted to Mr. *Endicott*, whom they had just before sent over as their Governor in the Plantation.

Such

Such was the first Royal Charter, and such the original Company for the settling of the *Massachusetts Bay*. A Company formed upon a Plan exactly similar to our present *East India Company*; consisting of a Number of Gentlemen resident here in *England*, who chose their own Governor, Deputy Governor, and Assistants, out of their own Body resident in *England*; and then sent out a Person under their authority as Governor for them, to order and dispose of the new Settlement. The first of these was Mr. *Endicott*, whom they dispatched away, as soon as the Charter was executed, to take care of the Colony, and prevent the People who had been sent before from returning home again, which they had heard that they were intending.

The Writers in the Papers, who advance so many Things without Foundation, and the factious Leaders who, to deceive the People in the Colonies, talk so arrogantly about the original Terms of Colonization, would do well to ask themselves, whether they really think, that Mr. *Matthew Cradock* and Mr. *Thomas Goff*, and 18 other Gentlemen living in *London*, could send over by Mr. *John Endicott* to the Rev. Mr. *Cornant*, and a Number of poor Creatures in *America*, who were starving, and wanting to come home again, a Right of Independence on the Parliament of *England*.

Such

Such was the Constitution of the Company during the first Period of their Charter.—For three successive Elections was the Company formed entirely of Persons resident here.—Soon after this the Severity of the *Laudean* Persecution increasing, a Number of Gentlemen of Figure and Estate, made a Proposal to the Company to go themselves over, and settle in the Country. But as they were not inferior in Rank and Fortune to the Governors and Assistants themselves, they thought that they had as good a Right to have the Government of the Company in their own Hands, as to leave it in those of the Gentlemen in *England*.

They proposed therefore to the Company at *London* to go over with their Families to *America*; but upon Condition that the Patent and Charter should remove with them. The Company appointed a Committee to consider of this Proposal, and to take the Opinion of Council, whether such a transfer of the Patent and Charter would be legal. The Council's Opinion and the Report of the Committee, are not recorded. No one, I suppose, now can doubt but that it was against it, but the Interest of the Company was greatly for it.

From the whole Tenor of their Proceedings, it is apparent, that the View of the Company was Profit; the View of the Settlers was Religion.

The one wanted to make a good Return for the Money they had advanced; the other wanted Liberty of Conscience, and the quiet Enjoyment of their own Mode of Worship. The Company had been at great Expence, and found that they had little Prospect of making any Advantage of the Plantation in the Way they were in. Whatever Doubts might arise about the Legality, there could be none about the Expediency of engaging such a Number of Gentlemen of Interest and Fortune in the Design. After settling with them therefore the Share of the Stock and Profits, which the Members of the Corporation, who remained in *England*, were to be intitled to for the next seven Years, they became less scrupulous about the Point of Law, and relying upon the Authority of Mr. *White*, a Lawyer, who was one of the Company, they agreed to the Proposal.

In order to carry this Agreement into Execution, a general Court was called the 20th of *October*, 1629, consisting of the Governors, the Assistants, and the Generality: At which, for the more easy transferring of the Charter, they chose a new Governor, Deputy Governor, and Court of Assistants, consisting of such Members as offered themselves to go over with it. These new elected Governors and Assistants accordingly sailed from *Southampton* the End of *March*, 1630, and carried the Charter with them to *America*.

Such

Such is the History of the first Charter which ever arrived in *New England*; and the only one under which the Colony of *Massachusetts* acted, till King *William* granted them another after the Revolution. A Charter, which, far from intending to establish any new State independent of this, originally meant nothing more than the forming a Number of Persons here in *London* into a Corporation, for the carrying on of a particular Trade or Adventure under a joint Stock. A Charter, in the granting of which the Crown so little meant to authorize the Company to form a Body of Representatives, who should dispute the Authority of Parliament, that it had not the least Thought of giving them any Right of Representation whatsoever. A Charter which they themselves so little conceived to contain any such Power, that for some Years after their first Settlement in *America*, they never did choose any thing more than a Governor, Deputy Governor, and Court of Assistants. Upon the last *Wednesday* in *May* the whole Commonalty annually met together, and all of them formed the general Court for the Election. But the Government was intirely in the Governors and the Assistants, when once they were chosen.

In process of Time the Body of the Commonalty grew jealous of this Oligarchy, and with the Increase of their Numbers became unwilling to leave the whole Power of the Government in

the Hands of these few. They resolved therefore to add some of their own Body to sit with them. And as they had now spread themselves over the Country, they naturally fell into Customs, which they had been used to, and chose Deputies to represent them. Accordingly at the general Court held in *May*, 1634, instead of the whole Commonalty or Freemen coming in a Body, to the great Surprise of the Governor and Assistants, there appeared twenty-four Deputies sent by the several Towns which were then settled.

The Reasonableness of this Proceeding no one need dispute. It may doubtless be justified upon many Accounts; almost indeed upon any Grounds, except only those, on which their Descendants now chuse to rest it. The Remoteness and increasing Number of the Inhabitants rendered it at first dangerous, and afterwards impossible for them all to meet together at *Boston*. The Commonalty or Freemen therefore very naturally assumed to themselves this Power of electing Deputies to represent them at the general Court, and to take care of their Interests. But they must not surely plead their original Charter Rights as a Foundation for those Privileges they now claim to their House of Representatives, when that Charter, having been calculated for a trading Company here in *London*, had not the most distant View to any such Purpose. With a very ill Grace must these
Men

Men now upbraid us with their original Terms of Colonization; or set up what they call their constitutional Rights against the Authority of Parliament, when their first Charter and their original Constitution in *New England* knew nothing of any House of Representatives at all. Not to add, that though a Company of Subjects, formed under a Charter in a distant Country may innocently enough distribute among themselves the Powers given them by that Charter, in what Proportions they find most convenient for their own internal Government; yet that new Distribution cannot add one Grain of Power against the Parent State more than they had before. Because no Agreement between any two Parties, can prejudice the Rights of a third. And admitting that their choosing of Representatives might at first be innocent, yet if they made that Choice a Ground of any new Claims, it then became criminal: and might be a just Forfeiture of the Charter so abused.

But failing the Charter Right, we are next referred to the Right of Birth, and are told that it is the original, inherent, unalienable Right of *Englishmen* to choose their own Representatives, and to be bound by no Laws, but such as are made by themselves or their Representatives, elected by their own free Choice: And that the free Enjoyment of this Right belongs to an *Englishman*

as such, and was the Motive and Encouragement, upon which their Forefathers originally engaged in all the Hazards of their first Settlement.

Such are the Doctrines which these deluded People are now taught, to serve the present Occasion. But it happens very unfortunately for the Broachers of these new Pretensions, that their History affords us the most positive Proof, that this was *not* the Motive or Condition of their first Settlement: And the Conduct of their Forefathers contains the clearest Demonstration that their Opinion was, that this Right of Choice was not the unalienable Right of any Man, either as a Man, or an *Englishman*: for one of the first Determinations of their general Court after their Settlement in *America* was this, That none should be admitted to the Freedom of the Company, or have a Vote at their Elections, but only such as were Church Members.

They who know the rigid Terms, which in those Days were required as Qualifications for Church Membership, will easily see the Force and Extent of this Restriction. These their pious Ancestors, whom their factious Descendants now boast of, most assuredly were not of Opinion that all Men were possessed of this Freedom in Right of their Birth, who resolved that the greater Part of the Settlers had it not, and con-

fin'd it chiefly, if not solely, to the Regenerate. Nor could these good Men have had the least Suspicion, that they deprived one half of their Settlers of any natural and unalienable Right, when they determin'd that those of them only, who had given Proof to their Ministers and ruling Elders of their being qualified for Church Membership, should be admitted to their Freedom, and allowed to vote at their Elections.

A Transaction in the Year 1646, shews how strongly they were attached to this Principle.

A Scheme was then laid by a Number of Inhabitants, Episcopalians and others, who were excluded from their Freedom and Share in the Government, to petition the General Court; and, if they were refused, to apply to Parliament in behalf of themselves and many thousands more, who, as they alledged, were excluded by this Law from their civil and religious Rights. They accordingly presented their Petition to the General Court, praying, " That civil Liberty and Freedom might be forthwith granted to all truly
 " *English*; and that all Members of the Church
 " of *England* or *Scotland*, not scandalous, might
 " be admitted to the Privileges of the Churches
 " of *New England*: Or, if these civil and religious Liberties were refused, that they might be
 " freed from the heavy Taxes impos'd on them,

“ and the Impresses made on their Goods, and
 “ Children, and Servants, for the War.” They
 who are now so clear in the Doctrine of *No Re-*
presentation, no Taxation, may conclude, that this
 Petition was granted: But so far were their Fore-
 fathers from thinking in this Manner, that in their
 General Court, this Petition was charged with be-
 ing contemptuous and seditious, and the Peti-
 tioners were severally fined in different Sums, and
 required to give Security for their good Beha-
 viour. *Hutch. Hist.* p. 145.

Neither this Transaction, nor any thing else,
 could convince them of the Truth of an Opinion,
 which their Descendants now pretend to be a self-
 evident Proposition: That no Man is bound to
 obey Laws, or pay Taxes, without his own Con-
 sent, or that of his Representatives, appointed by
 his own free Choice. Nay so perfectly well sa-
 tisfied were their Ancestors of the contrary, that
 they continued to make this the Rule of their
 Conduct to the Dissolution of their Government
 in the Year 1684. The law itself, indeed, after
 the Restoration, to save Appearances, was re-
 pealed; but it was still their Rule in Practice, and
 kept up under another Form.

The Absurdity of the Opinion itself of any
 actually inherent and unalienable Right, and the
 general Confusion to which it would lead, is a
 4 Matter

Matter with which I am not now concerned. The present Subject is History, and not Argument; And my Intention is only to set before the Reader an Account of their original Charter, Constitution, and Opinions, which I now go on with.

The Spirit of Persecution and of Emigration increasing during the following Years, great Numbers of Puritans, made uneasy at Home, fled for Shelter to *New England*. Many of these fixed their Settlements in other Parts of the Country, which were not contained within the Limits of the *Massachusetts Patent*.

Of these straggling and outlying Plantations, some chose to annex themselves to the *Massachusetts Government*, and others chose to set up a separate Government of their own. But each of these, in order to engage the Favour and Protection of their Parent Country, entered into the most solemn Engagements of Obedience to the King, and to the Laws of this Realm.

Two of these Associations in the South and North Part of *Piscataqua*, will give a sufficient Idea of all the rest.

These Townships and small Communities were afterwards joined to the *Massachusetts*: But the Nature of their Association is the more worthy of
our

our Attention, because the whole Colony of *Connecticut*, till the Year 1664, stood upon no better a Foundation.

Those who settled on the North Side of the great Bay of *Piscataqua*, associated themselves under the following Engagement.

“ Whereas fundry Mischiefs and Inconveniences have befallen us, and more and greater may, in regard of want of civil Government, his gracious Majesty having settled no Order for us to our Knowledge, we whose Names are underwritten, being Inhabitants upon the River *Piscataqua*, have voluntarily agreed to combine ourselves into a Body politic, that we may the more comfortably enjoy the Benefit of his Majesty’s Laws, and do hereby actually engage ourselves to submit to his Royal Majesty’s Laws, together with all such Laws as shall be concluded by a major Part of the Freemen of our Society, in case they be not repugnant to the Laws of *England*, and administered in Behalf of his Majesty. And this we have mutually promised and engaged to do, and so to continue till his excellent Majesty shall give other Orders concerning us. In witness whereof we have hereunto set our Hands, *October 22*, in the 16th Year of the Reign of our Sovereign Lord *Charles*,
“ by

“ by the Grace of God, King of *Great-Britain*,
 “ *France* and *Ireland*, Defender of the Faith,
 “ &c.

Signed by THOMAS LARKHAM,
 and forty others.

Those to the Southward built the Town of
Exeter, and associated themselves in the Manner
 following :

“ Whereas it hath pleased the Lord to move
 “ the Heart of our dread Sovereign *Charles*, &c.
 “ to grant Licence and Liberty to sundry of his
 “ Subjects, to plant themselves in the Western
 “ Parts of *America* : We his loyal Subjects, Mem-
 “ bers of the Church of *Exeter*, situate and lying
 “ upon the River *Piscataqua*, with other Inhabi-
 “ tants there, considering with ourselves the holy
 “ Will of God, and our own Necessity, that we
 “ should not live without wholesome Laws and
 “ civil Government amongst us, of which we are
 “ altogether destitute, do in the Name of *Christ*,
 “ and in the Sight of God, combine ourselves to-
 “ gether, to erect, and set up among us such Go-
 “ vernment as shall be to our best discerning,
 “ agreeable to the Will of God, professing our-
 “ selves subject to our Lord King *Charles*, ac-
 “ cording to the Liberty of the *English* Colony of
 “ the *Massachusetts*, and binding ourselves solemn-
 “ ly,

" ly, by the Grace and Help of *Christ*, and in
 " his Name and Fear, to submit ourselves to all
 " such Christian Laws as are established in the
 " Realm of *England*, to our best Knowledge, and
 " to all other such Laws, which shall upon good
 " Grounds be made and enacted among us, ac-
 " cording to God, that we may live quietly and
 " peaceably together in all Godliness and Ho-
 " nesty. *October 24, 1639.*

Signed by JOHN WHEELWRIGHT,
 and thirty-six others.

Such was the original Constitution, and the first
 Settlements of these Men, who are now disturbing
 the Manes of their pious Ancestors, and adjuring
 each other by the Memory of *their* Sufferings, to
 combine together against that Authority, under
 which their Forefathers took their first Establish-
 ment. Little did those good Men think, that
 their Descendants should ever arrive at such a Pitch
 of Impiety as to call on them to be Witnesses to
 their seditious Town-Meetings, their setting up
 their Trees of Liberty, and their open Pretensions
 of Independency on the *British* Government, to
 which these their Forefathers had thus solemnly
 plighted their Allegiance.

Far be it from me to detract from the Honour
 due to the Memory of those who left their native
 Country,

Country, and settled in *America*, to enjoy the Liberty of their Consciences and the Worship of God in their own Way. But when these Men boast the Merit of their Ancestors in flying from Persecution and the Tyranny of the *Stuarts* for the Sake of their Liberty; the Merit of our Ancestors surely is not less, who stayed in *England* and fought for these Liberties; and by their steady Valour preserved the Freedom of this Country and of *America* both. Their Ancestors fled from Danger, and endured a great many Hardships, in order to get out of the reach of it: Our Ancestors remained at Home, and faced the Danger, and endured the much greater Hardships of a Civil War for the Common Deliverance. And when the Nation was a second Time enthral'd under a popish Tyrant, They did nothing towards our Deliverance by the Revolution: Passive under the Tyranny of *James* the 1st, and Oppressions of Sir *Edmund Andros*, they have reserved all their active Powers to rebel against the mild Government of Laws under his Majesty.

The Year 1640 put a full Period to the Emigration. In the twenty preceding Years about 21,200 Persons had fled from the Oppressions of the Hierarchy, making about 4000 Families. The opening

opening of the Parliament effectually removed this Grievance; and the Recovery of religious Liberty at Home, put an End to the Desire of seeking it Abroad. From this Year all their Accounts agree, that as many People have returned from *New England* hither, as have gone from hence to *New England*. And the chief Increase of the Colony has arisen, not from any Accession of People from hence, but from the natural Course of Population in a plentiful Country, and a lax Settlement, where every one easily obtained as much Land as he could employ. Here therefore properly ends the History of their Colonization, and the Merit of their forming a new Settlement.

Whatever Privileges therefore can now be claimed as original Charter Rights, or Motives of their first Settlement, or Covenants of Colonization, as they now call them, ought to be produced from Grants or Charters prior to this Period. For since that no new Settlements were made, and all the after Enlargements were only Continuations of the old. What these Privileges are, more than a Right to the Soil, to Corporation Government, to Liberty of Conscience in *America*, and a Right to be received as natural-born Subjects, when they return to *England*, will not perhaps be easily shewn.

That

That I may not however be thought to omit any thing, which may contribute to the Reader's Information, it is proper to set before him the following Resolution of Council.

At the Court at Whitehall, January 19, 1632.

SIGILLUM CRESCENT,

Lord Privy Seal,

Mr. *Trevers*,

Earl of *Dorset*,

Mr. Vice Chamberlain,

Lord Viscount *Falkland*, Mr. Secretary *Cook*,

The Bishop of *London*, Mr. Secretary *Windebank*.

Lord *Cottingham*,

“ Whereas his Majesty hath lately been in-
 “ formed of great Distraction and much Disorder
 “ in the Plantations in the Parts of *America* called
 “ *New England*, which, if they be true, and suf-
 “ fered to run on, would tend to the Dishonour
 “ of the Kingdom, and utter Ruin of that Plan-
 “ tation; for Prevention whereof, and for the or-
 “ derly settling Government, according to the In-
 “ tention of those Patents, which have been grant-
 “ ed by his Majesty, and from his late Royal
 “ Father King *James*; it hath pleased his Majesty,
 “ that the Lords and others of his most honoured
 “ Privy Council, should take the same into Con-
 “ sideration. Their Lordships, in the first Place,
 “ thought fit to make a Committee of this Board,
 “ to take Examination of the Matters informed;
 “ which

" which Committee having called divers of the
 " principal Adventurers in that Plantation; and
 " heard those that are Complainants against them,
 " most of the Things informed being denied, and
 " resting to be proved by Parties, that must be
 " called from that place, which required a long
 " Expence of Time; and their Lordships finding,
 " they were upon Dispatch of Men, Victuals, and
 " Merchandize for that Place, all which would
 " be at a stand, if the Adventurers should have
 " Discouragement, or take suspicion that the
 " State here had no good opinion of that Plan-
 " tation; their Lordships not laying the Faults
 " or Fancies (if any be) of some particular Men
 " upon the general Government, or principal
 " Adventurers, which in due Time is further to
 " be enquired into, have thought fit in the mean
 " Time to declare, that the Appearances were so
 " fair, and Hopes so great, that the Country
 " would prove both beneficial to this Kingdom,
 " and profitable to the Particulars, as that the
 " Adventurers had Cause to go on chearfully with
 " Their Undertakings, and rest assured, if things
 " were carried, as was pretended, when the Pa-
 " tents were granted; and accordingly, as by the
 " Patents it is appointed, his Majesty would not
 " only maintain the Liberties and Privileges here-
 " tofore granted, but supply any Thing farther
 " that might tend to the good Government,
 " Prosperity.

“ Prosperity, and Comfort of his People there,
 “ of that Place, &c.”

WILLIAM TRUMBALL.

This Resolution of Council has often been referred to as another Royal Confirmation of their Claims. But whatever might have been thought about a Charter under the Great Seal, it could not even in those Days have been imagined, that an Order of Council can be of Force against an Act of Parliament. Should it still be said, that though not of equal Force with a Charter, yet it was a Proof of the King's good Will to them, and an Encouragement to go on with the Settlement. Doubtless it was so; and it was a Caution to them also, that they should strictly adhere to their Charter, from which two Years after they nevertheless made a capital Departure, by the sending Deputies, instead of coming themselves, to their General Court. The Conditionality therefore of this Declaration of Council, and the strict Limitation of it to their acting according to their Charter, will not allow it, I fear, to add much to the Strength of their former Grants. And the variable and uncertain Conduct, which *Charles* the First held towards them, leaves but little Ground for the Colony to value themselves upon any of his Royal Encouragements.

This Order of Council refers itself to a future Enquiry ; and the next Year produced another, expressing very different Sentiments.

“ Whereas the Board is given to understand of
 “ the frequent Transportation of great Numbers
 “ of his Majesty’s Subjects out of this Kingdom
 “ to the Plantation of *New England*, among
 “ whom divers Persons, known to be ill-affected,
 “ discontented not only with Civil but Ecclesi-
 “ astical Government here, are observed to resort
 “ thither ; whereby such Confusion and Distrac-
 “ tion is already grown there, especially in Point
 “ of Religion, as beside the Ruin of the said
 “ Plantation, cannot but highly tend to the Scan-
 “ dal both of Church and State here: And
 “ whereas it was informed in particular, that there
 “ are at this present divers Ships in the River of
 “ *Thames* ready to sail thither, freighted with
 “ Passengers and Provisions ; it is thought fit and
 “ ordered, that Stay should be forthwith made
 “ of the said Ships, until further Order from this
 “ Board. And the several Masters and Freighters
 “ of the same should attend the Board on *Wed-*
 “ *nesday* next in the Afternoon, with a List of
 “ the Passengers and Provisions in each Ship.
 “ And that Mr. *Cradock*, a chief Adventurer in
 “ that Plantation, now present before the Board,
 “ should be required to cause the Letters Patent
 “ for

“ for the said Plantation to be brought to this
 “ Board.”

And although, as their Historian *Hubbard* relates it, at a “ second Hearing upon a Charge brought against them before the Council, it pleased God so to work with the Lords of the Council, and afterwards with the King’s Majesty, that the King said, That he would have such severely punished as should abuse his Governor and the Plantation, and dismissed them with a favourable Order for their Encouragement; being assured from some of the Council, that his Majesty did not intend to impose the Ceremonies of the Church of *England* upon them; for that it was considered, that it was for the Sake of Freedom from those Things that People went over thither:” Yet these must have been good Words of a very short Continuance; for soon after he conceived a very different Opinion of them.

The very next Year after they had chosen their Deputies, a Commission was issued to several of the Nobility and great Officers of State, for the Regulation of the Colonies. And a *Quo Warranto* was brought by Sir *John Banks*, the Attorney-General, against the Governor, Deputy Governor, and Assistants of the Corporation of *Massachusetts*, and Judgment given, that the Liberties and Fran-

chises should be seized into the King's Hand. In consequence of this, an Order was made out by the Clerk of the Council for the Surrendry of the Charter: And they were commanded to send it back to *England* by the next Ship. But the Judgment not having been entered, this occasioned a Delay: And soon after the Risings in *Scotland*, and the Meeting of the *English* Parliament found the King far other Employ.

The Petition which they presented upon that Occasion speaks a Language very different from that of their Descendants.

Copy of the General Court's Address, the 6th of September, 1638.

To the Right Honourable the Lords Commissioners for foreign Plantations.

The humble Petition of the Inhabitants of the *Massachusetts* in *New England*, of the general Court there assembled the 6th Day of *September*, in the 14th Year of the Reign of our Sovereign Lord King *Charles*.

“ Whereas it hath pleased your Lordships, by
 “ Order of the 4th of *April* last, to require our
 “ Patent to be sent unto you, we do hereby hum-
 “ bly and sincerely profess, that we are ready to
 “ yield

“yield all due Obedience to our Sovereign Lord
“the King’s Majesty, and to your Lordships un-
“der him, and in this Mind we left our native
“Country, and according thereunto hath been
“our Practice ever since ; so as we are much
“grieved, that your Lordships should call in our
“Patent, there being no Cause known to us, nor
“any Delinquency or Fault of ours expressed in
“the Order sent to us for that Purpose, our Go-
“vernment being according to his Majesty’s
“Grant, and we not answerable for any Defects,
“in our Plantations, &c.

“ This is that which his Majesty’s Subjects here
“ do believe and profess, and thereupon we are all
“ humble Suitors to your Lordships, that you
“ will be pleased to take into further Considera-
“ tion our Condition, and to afford us the Liberty
“ of Subjects, that we may know what is laid to
“ our Charge ; and have Leave and Time to an-
“ swer for ourselves, before we be condemned as
“ a People unworthy of his Majesty’s Favour or
“ Protection ; as for the *Quo Warranto* mention-
“ ed in the same Order, we do assure your Lord-
“ ships we were never called to answer to it, and
“ if we had, we doubt not but we have a suffi-
“ cient Plea to put in.

“ It is not unknown to your Lordships, that
“ we came into these remote Parts with his Ma-
C 3 “ jesty’s

“ jeſty's Licence and Encouragement, under his
 “ great Seal of *England*, and in the Confidence
 “ we had of that Assurance we have transported
 “ our Families and Eſtates, and here we have
 “ built and planted, to the great Enlargement
 “ and ſecuring of his Maſteſty's Dominions in theſe
 “ Parts, ſo as if our Patent ſhould now be taken
 “ from us, we ſhall be looked on as Renegadoes
 “ and outlawed, and ſhall be enforced, either to
 “ remove to ſome other Place, or to return into
 “ our native Country again; either of which will
 “ put us to inſupportable Extremities, and theſe
 “ Evils (among others) will neceſſarily follow:
 “ (1.) Many thouſand Souls will be expoſed to
 “ Ruin, being laid open to the Injuries of all
 “ Men. (2.) If we be forced to deſert this Place,
 “ the Reſt of the Plantations) being too weak to
 “ ſubſiſt alone) will, for the moſt Part, diſſolve
 “ and go with us, and then will this whole Coun-
 “ try fall into the Hands of the *French* or *Dutch*,
 “ who would ſpeedily embrace ſuch an Oppor-
 “ tunity. (3.) If we ſhould loſe all our Labour
 “ and Coſts, and be deprived of thoſe Liberties,
 “ which his Maſteſty hath grated us, and nothing
 “ laid to our Charge, nor any Failing to be found
 “ in us in Point of Allegiance (which all our Coun-
 “ trymen do take Notice of, and will juſtify our
 “ Faithfulneſs in this Behalf) it will diſcourage
 “ all Men hereafter from the like Undertakings,
 “ upon Confidence of his Maſteſty's Royal Grant.
 “ Laſtly,

“ Lastly, if our Patent be taken from us, (where-
 “ by we suppose we may claim Interest in his
 “ Majesty’s Favour and Protection) the common
 “ People here will conceive that his Majesty hath
 “ cast them off, and that, hereby they are freed
 “ from their Allegiance and Subjection, and,
 “ thereupon, will be ready to confederate them-
 “ selves under a new Government, for their ne-
 “ cessary Safety and Subsistence, which will be
 “ of dangerous Example to other Plantations,
 “ and perilous to ourselves of incurring his Ma-
 “ jesty’s Displeasure, which we would by all
 “ Means avoid.

“ Upon these Considerations we are bold to
 “ renew our humble Supplications to your Lord-
 “ ships, that we may be suffered to live here in
 “ this Wilderness; and that this poor Plantation,
 “ which hath found more Favour from God than
 “ many Others, may not find less Favour from
 “ your Lordships; that our Liberties should be
 “ restrained, when others are enlarged; that the
 “ Door should be kept shut unto us, while it
 “ stands open to all other Plantations; that Men
 “ of Ability should be debarred from us, while
 “ they have Encouragement to other Colonies.

“ We dare not question your Lordships Pro-
 “ ceedings; we only desire to open our Grievs
 “ where the Remedy is to be expected: If in any

“ Thing we have offended his Majesty and your
 “ Lordships, we humbly prostrate ourselves at
 “ the Footstool of supreme Authority ; let us be
 “ made the Object of his Majesty’s Clemency,
 “ and not cut off, in our first Appeal, from all
 “ Hope of Favour. Thus, with our earnest
 “ Prayers to the King of Kings, for long Life and
 “ Prosperity to his sacred Majesty and his Royal
 “ Family, and for all Honour and Welfare to
 “ your Lordships, we humbly take Leave.”

Far be it from me to justify these Severities
 used towards them, or the *Quo Warrantos* issued
 against their Charter by both the *Charles’s* ; but it
 is impossible to avoid remarking the Presumption
 of their Writers, who boast of Favours received
 under the *Stuarts*, and set them in Opposition to
 the mild Rule of Laws under his Majesty.

The Parliament in the Year 1642, took their
 Part, and passed an Order in their Favour. But
 the Style of it shews, that how well soever they
 might be affected towards them, the House of
 Commons well knew their own Authority. The
 Order runs thus :

Veneris, 10 March, 1642.

“ Whereas the Plantations in *New England*,
 “ have, by the Blessing of the Almighty, had
 “ good and prosperous Success, without any pub-
 “ lic Charge to this State, and are now likely to
 “ prove

“ prove very happy for the propagation of the
 “ Gospel in those Parts, and very beneficial and
 “ commodious to this Kingdom and Nation.
 “ The Commons now assembled in Parliament,
 “ do, for the better Advancement of those Plan-
 “ tations, and the Encouragement of the Plan-
 “ ters to proceed in their Undertaking, ordain,
 “ that all merchandizing Goods, that by any Per-
 “ son or Persons whatsoever, Merchants or others,
 “ shall be exported out of this Kingdom of *Eng-
 “ land* into *New England* to be spent, used, or
 “ employed there, or being of the Growth of
 “ that Country, shall be from thence imported
 “ hither, or shall be laden or put on board any
 “ Ship or Vessel for Necessaries in passing to and
 “ fro, and all and every the Owner or Owners
 “ thereof, shall be free and discharged of and
 “ from paying and yielding any Custom, Sub-
 “ sidy, Taxation, or other Duty for the same,
 “ either inward or outward, either in this King-
 “ dom or *New England*, or in any Port, Haven,
 “ Creek, or other Place whatsoever, *until the
 “ House of Commons shall take further Order therein
 “ to the contrary.* And all and singular Customers,
 “ Farmers, and Collectors of Customs, Subsidies,
 “ and Imposts, and other Officers, Ministers,
 “ and Subjects whatsoever, are hereby required
 “ and enjoined, that they and every of them,
 “ upon the shewing forth unto them this Order,
 “ or a true Copy thereof, under the Hand of the
 “ Clerk of the House of Commons, without any
 “ other Writ or Warrant whatsoever, do make
 “ full,

“ full, whole, and entire, and due Allowance and
 “ clear Discharge unto the said Owners of the
 “ said Goods and Merchandize, their Factors,
 “ Servants, and Agents, according to the Tenor
 “ and true Meaning of this Order.”

H. ELSSING, Cler. Parl. D. Com.”

And so far was the Province from thinking this Declaration of the supreme Right of Parliament to tax them, a Breach of their Charter Privileges, that the General Court ordered it to be entered upon their public Records, that it might remain to their Posterity as a standing Proof of Parliamentary Favour. HUNCH. p. 114.

The first Man who seems to have had a just Notion of the Nature and Use of Colonies, was *Cromwell*. In their Infancy they had scarcely been an Object of Legislation. And till his Time, they had been suffered to trade as they could, and wheresoever they pleased. But he passed an Ordinance of Parliament, prohibiting the Plantations from receiving or exporting any *European* Commodities, except in *English* built Ships, navigated by *Englishmen*; and forbidding all Correspondence with any Nation or Colony not subject to *England*, and allowing no Alien to set up a Factory, or to carry on Trade in the Plantations. And this Idea was afterwards improved and enlarged in the several Acts of Navigation under *Charles II*.

Soon after the Restoration the Colony again received Notice of Complaints, with an Order from the King to send over proper Persons to make Answer

swer to them. The General Court being called,
 appointed two Agents, and sent them with an
 Address of Congratulation on his Majesty's Ac-
 cession. This Address, as Mr. *Neal* relates it, af-
 ter Expressions of their Loyalty, goes on to im-
 plore his Majesty's Protection of them in the free
 Exercise of their Religion. "We supplicate your
 Majesty (say they, in a Style very different from
 " their modern Compositions) for your gracious
 " Protection of us in the Continuance both of our
 " civil and religious Liberties, according to the
 " Grantees known End of suing for the Patent
 " conferred upon this Plantation by your Royal
 " Father. Our Liberty to walk in the Way of
 " the Gospel, with all good Conscience accord-
 " ing to the Order of the Gospel, was the Cause
 " of our transporting ourselves with our wives,
 " our little ones, and our Substance, from that
 " pleasant Lane, over the *Atlantic* Ocean into the
 " vast Wilderness, choosing rather the pure Scrip-
 " ture Worship with a good Conscience in this
 " remote Wilderness than the Pleasures of *Eng-*
 " *land*, with Submission on the Impositions of the
 " then so disposed, and so far prevailing Hierarchy,
 " which we could not do without an evil Con-
 " science.-- We are not seditious as to the Interest
 " of *Cæsar*, nor schismatical, as to Matters of
 " Religion.—We distinguish between Churches
 " and their Impurities.—We could not live with-
 " out the public Worship of God, nor be per-
 " mitted

“ mitted the public Worship, without such a
 “ Yoke of Subscription and Conformity as we
 “ could not consent unto without Sin. That we
 “ might therefore enjoy Divine Worship without
 “ human Mixtures, without Offence to God,
 “ Man, and our own Conscience, We with
 “ Leave, but not without Tears, departed from
 “ our Country, Kindred, and Fathers Houses
 “ into this *Patmos*.”

NEAL, VOL. I. p. 350.

The Agents returned with the King's Answer
 under various Heads: And in one Part of it, af-
 ter accepting the Professions of their Loyalty, the
 King expressly declares: “ We will preserve, and
 “ do hereby confirm the Patent and Charter here-
 “ tofore granted unto them by our Royal Father
 “ of blessed Memory; and they shall fully enjoy
 “ all the Privileges and Liberties granted to them
 “ in and by the same; and we will be ready to
 “ renew the same Charter to them under our great
 “ Seal of *England*, whensoever they shall de-
 “ fire it.

This is the Letter, which they so often boast of,
 as a Royal Confirmation of their Charter; and
 such it doubtless is. But they say nothing of the
 other Parts of the Letter, requiring among many
 other Things, a Revision of all their Laws, and
 a Repeal of every Thing derogatory to the King's
 Authority;

Authority; the Allowance of the Use of the Common Prayer; and the Permission of Persons of all Persuasions to vote at their Elections.

Some of these royal Requisitions they evaded, and others they never complied with, and thereby lost the Benefit of this Grace, and incurred the King's Displeasure, under which they suffered during the whole Course of this Reign.

In consequence of this Disobedience, the King in the Year 1664 issued a special Commission under the great Seal, empowering Colonel *Nichols* and three other Persons there named to go over, and enquire into the State of the Colony; "and to
" hear and determine all Complaints and Ap-
" peals in all Causes and Matters, military, cri-
" minal, and civil, according to their good and
" sound Discretion, and to such Instructions as
" they have or shall receive."

Upon the Return and Report of these Commissioners, a Variety of Suits and Complaints were instituted against them, till at length they ended in the Condemnation of their Charter, and the total Dissolution of their Government in the Year 1684.

King *Charles* the Second lived to finish the Dissolution of the Government under the old Charter,
and

and King *James* succeeded to the Exercise of his Despotism over the Province to its full Extent. Sir *Edmund Andros* was sent to be their Governor, who suffered them to elect no Assembly or Council, and to have no other Government than what consisted with his arbitrary Will. He himself made Laws, raised Troops, levied Taxes, and directed all Things with the Assistance only of a Council of his own Creatures, whom he made the Instruments of his Tyranny, and the Harpies of his Avarice.

To satisfy both these, and bring the Province into a State of absolute Subjection, the People were told that their Charter being dissolved, their Titles to their Lands were forfeited with it, or in the brutal Phrase of the Time, that the Calf died in the Cow's Belly. Under this Pretence all Persons were called upon to take out new Patents for their Lands, subject to such Fines as should be imposed; and Writs of Intrusion were brought against those who refused, to dispossess them of their Estates.

Besides this general Exception to all Titles, that they were derived from a Grantor, which, now the Charter was gone, had no Title: The Case of Towns was yet worse; for they were declared to be not capable of taking any Estates.

The

The Town of *Ipswich* remonstrated against the paying Taxes, levied by the Governor's sole Authority without the Consent of an Assembly, or of Parliament. And the Selectmen voted, " That inasmuch as it is against the Privileges of *English* Subjects to have Money raised without their own Consent in an Assembly or Parliament; therefore they will petition the King for Liberty of an Assembly before they make any Rates." For this two of them were imprisoned, and the rest were fined 20, and 30, and 50*l.* a Man.

The Proceedings of the Town of *Cambridge*, in which was their College, and which therefore may be supposed to have known their Constitution, shews the abject State of Despondency, to which they were reduced. The more to move Compassion, they set their two oldest Inhabitants at their Head, and petitioned in the following Manner:

To the King's Most Excellent Majesty.

The Petition and Address of *John Gibson*, aged about 87, and *George Willow*, aged 86 Years, as also on Behalf of their Neighbours, the Inhabitants of *Cambridge* in *New England*, in most humble wise sheweth,

" That your Majesty's good Subjects, with
 " much hard Labour and great Disbursements,
 " have

“ have subdued a Wilderness, built our Houses
 “ and planted Orchards; being encouraged by
 “ our indubitable Right to the Soil, by the Royal
 “ Charter granted under the first Planters, toge-
 “ ther with our first Purchase of the Natives: as
 “ also by sundry Letters and Declarations sent to
 “ the late Governor and Company from his late
 “ Majesty your Royal Brother, assuring Us of
 “ the full Enjoyment of our Properties and Pos-
 “ sessions, as is more especially contained in the
 “ Declaration sent, when the *Quo Warranto* was
 “ issued out against our Charter. But we are ne-
 “ cessitated to make this our Moan and Com-
 “ plaint to your Excellent Majesty; for that our
 “ Title is now questioned to our Lands, by us
 “ quietly possessed for near sixty Years, and with-
 “ out which we cannot subsist. Our humble
 “ Address to our Governor Sir *Edmund Andros*,
 “ shewing our just Title, long and peaceable
 “ Possession, together with our Claim of the
 “ Benefit of your Majesty’s Letters and Decla-
 “ rations, assuring all your good Subjects that
 “ they shall not be molested in their Properties
 “ and Possessions, not availing.

“ Royal Sir, We are a poor People, and have
 “ no Way to procure Money to defend our Cause
 “ in the Law, nor know we of Friends at Court;
 “ and therefore unto your Royal Majesty, as the
 “ Public Father of all your Subjects, do we make
 “ this

" this our Humble Address for Relief, beseeching
 " your Majesty graciously to pass your Royal Act
 " for the Confirmation of your Majesty's Subjects
 " here in our Possessions, to Us derived from
 " our late Governor and Company of this your
 " Majesty's Colony. We now humbly cast our-
 " selves and the distressed Condition of our Wives
 " and Children at your Majesty's Feet, and con-
 " clude with that Saying of *Queen Esther*. *If*
 " *we perish, we perish.*"

Such was the arbitrary Rule of *James II.* and
 this is the Reign to which the Faction of *Boston*
 have compared his Majesty's. With this singular
 Difference, that whereas their Ancestors threw
 themselves at the Feet of King *James*, they trai-
 torously exhort their People to Arms against
 Acts of Parliament passed by his Majesty.

UPON a Review of this History, the Reader
 will be at a Loss to think what can be the Foun-
 dation of those extensive Claims, which these
 Men have of late been making: Nor will he ea-
 sily conceive from what Part of their Constitution
 they derive the least Pretence of Exemption from
 the Jurisdiction of Parliament. And yet if there
 be any such Exemption, it must certainly be found
 in some of their Patents or Charters antecedent to
 the Revolution. Under the Prerogative Reigns of

a *Stuart* or a *Tudor*, Grants of this Sort might possibly have passed: But from that happy *Æra* of our Liberties, the Power of the Crown has been too clearly ascertained, and the Authority of Parliament too firmly established, to admit of any Competition between them.

I have hitherto said nothing, therefore, of the Charter of King *William*; because, though that is the only Charter which the Province of *Massachusetts* now has, and is by far the most advantageous Charter for the People there, which they ever had; yet they themselves must know, that that can be no Foundation for their Claim.

King *William* could not grant such a Charter of Independence, King *William* never would have done it, King *William* never did do it.

This great Restorer of the Liberties of Parliament too well knew his own Powers to warrant the least Supposition of this Kind. Could a Parliamentary King assume to himself a Power superior to the Laws which made him? Could King *William*, who derived the Authority which he possessed over all the *English* Dominions, only from Parliament, derive from thence a Power of making the Subjects of any Part of those Dominions independent on Parliament?

If

If the Crown have a Power to grant to the Subjects of any one Part of the *British* Empire, an Exemption from the Authority of Parliament, it may by the same Power exempt any other Part, and consequently may take all the Parts from out of its Jurisdiction. The very Perfection of Tyranny and Despotism. Could King *William* ever have thought of such a Thing, which he most certainly did not; yet what Chancellor could have been found hardy enough to have set the Seal to such a Charter. That Minister's Head would sit very loosely upon his Shoulders, who at any Time since the Revolution should advise the Crown to an Attempt to render a single Subject independent of Parliament; and much more who should dare to draw a Charter, which would take away whole Provinces from its Jurisdiction.

The great and principal Ground of King *James's* Forfeiture and Expulsion, was his Attempting to suspend the Laws of Parliament with respect to the Papists, who were a small Part only of his Subjects; is it possible then to suppose that Sir *John Somers*, Sir *George Treby*, and the greatest Lawyers of the Age immediately after the Revolution, could have presumed to draw up and pass a Patent under the Great Seal, which should not merely suspend for a Time, but absolutely Abolish

for ever, the Power of Acts of Parliament over a great Part of *English* Empire.

If we look into the History of the passing of this Charter, every Part of it shews, that nothing could be farther from the Thoughts of the King and Council, than the granting of any such Exemption. And the Account of these Transactions will fully illustrate every Thing which has been said, both of the former Charter and of this.

Upon the Accession of King *William*, the People at *Boston* seized upon their Governor, and called a Convention. This Assembly added two more Agents to the two, which were before in *England*, and sent them over with Instructions “to solicit the Confirmation of their antient Charter, and all its Rights and Privileges; and, if there should be Opportunity, to endeavour the obtaining such farther Privileges, as might be of Benefit to the Colony.”

The House of Commons had resolved, that the seizing of the Charters of the Corporations and Colonies in King *Charles*’s Time was illegal: And a Bill had been brought in for the Renewal of them, though it did not pass. The Agents therefore hoped, that they might be allowed to re-assume their Charter. The Colony of *Connecticut*,
having

having never stood a Trial, but only passively submitted, in the Year 1684, and having had no Judgment entered against their Charter, nor any Surrendry thereof upon Record, actually did re-assume theirs. But the Case of *Massachusetts* was different, they having stood Tryal, and having had Judgment entered against them. The same great Lawyers, therefore, *Ward, Somers, and Treby*, who found that *Connecticut* might resume their former Charter, determined that *Massachusetts* could not.

The King resolved therefore to grant them a new Charter; and to reserve to himself the naming of a Governor and some other Officers; and directed the Attorney and Solicitor General to draw one. The first Draught was thought too loose, and was rejected. A second being drawn more agreeably to the King's Instructions, was shewn to the Agents, with a Liberty given them to offer any Objections. But upon Mr. *Mather's* saying that he would sooner part with his Life than consent to it, they were told that the Consent of the Agents was not desired; That the Agents from *New England* were not Plenipotentiaries from a Sovereign State: And that, if they declared they would not submit to the King's Pleasure, his Majesty would settle the Country, and they might take what would follow.

Two of the Agents still insisted on their old Charter, to which the Province at that Time was strongly attached, though with very little Reason. For the State of their Case having been referred to Council, the Opinion given upon it was as follows.

“ That a bare Restitution of the Charters, and especially of the *Massachusetts*, would be of no Service at all; as appears both from the Charter itself and from the Practice of that Colony, who have hardly pursued the Terms thereof in any one Instance. As to the Charter itself, that Colony, if they should have it, would want,

I. “ A Power to call a select Assembly; for there many thousand Freemen have an equal Right to sit in the Assembly.

II. “ A Power to lay Taxes and raise Money, especially on Inhabitants not Freemen, and Strangers coming to trade there.

III. “ They have no Admiralty.

IV. “ They have no Power to keep a Prerogative Court, to prove Wills, &c.

V. “ Nor to erect Courts of Judicature, especially Chancery Courts.”

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The Reader easily sees that the Charter having been originally given to a Company resident in *England*, all these Things were then provided for here in the King's Courts.

The other two Agents, Mr. *Mather* and Sir *William Asburst*, drew up their Objections against the Minutes; which were presented to the Attorney-General and laid before the Council; and a Copy sent to the King in *Flanders*: who disapproved of the Objections, and ordered the Charter to be drawn up according to the Minutes. It was still urged on the Part of the Province, that they thought it would be a singularly hard Case, that the Effects of the late Tyranny should be felt by them alone, of all their Majesty's Subjects: all the other Charters having by one Means or other been restored. But to this it was answered, That there was this Difference between the Case of the *Massachusetts*, and most of the other Charters. In general, there was no Room for legal Exception to the Powers exercised by the Corporations; but the *Massachusetts* Charter not being intended when it was granted for such Government, as is necessary to be exercised in a Colony remote from its Mother Country, a Reversion of the former Judgment would have been of no Service: † And Sir *George Treby* declared to Mr. *Mather*, Sir *John Somers* and

and the two Lords Chief Justices being present, and assenting to it, that "if the Judgment against the Charter should be reversed, and the Government should exercise those Powers, which, before the *Quo Warranto*, they had done, a new Writ would issue out against them in *Westminster-hall*, and there would be a Judgment against them, and such an one as there would be no Room for a Writ of Error." By the old Charter, it was said, they had Power to imprison or inflict Punishment in criminal Cases, according to the Course of Corporations in *England*, but that, unless capital Cases be expressly mentioned, the Power would not reach *them*. That no Power was given to erect Judicatories, or Courts for Probate of Wills; or with Admiralty Jurisdiction; nor had they any Power to constitute a House of Deputies or Representatives, nor to impose Taxes on the Inhabitants; nor to incorporate Towns, Colleges, Schools, &c. which Powers and Privileges had been notwithstanding usurped.

Can the Reader ask for higher Authority, to prove the extreme Defectiveness of this ancient Charter? Is it to be supposed that a Charter which fails in so many Points, which are absolutely necessary to constitute any Government at all; should be intended in this single Instance to convey a greater Privilege, than was ever before given

given to a Subject: The Right of being exempted from the Jurisdiction of Parliament? That a Charter, which was so very short sighted, as not to provide a proper Power to raise Taxes for the Support of their own Provincial Government; should yet have looked so very far forward, as to provide that they shall not be taxed by Parliament, for the general Service of the whole Empire. And yet this is the Charter, which their factious Leaders have been spreading before them in every Attack upon the *British* Legislature. May I not say too, that this is the Charter, which has benumb'd the Powers of the Legislature for three Sessions together, as if they were afraid to look at it.

If we look into King *William's* Charter itself, we shall see that there is not a single Expression, which can warrant the Supposition of any such exclusive Right.

The Charter gives them the Power of laying Taxes upon themselves, for the Support and Defence of the Government there, without which no Government could subsist: And doubtless it never could have been thought reasonable, that this Country should charge itself with the Expence of maintaining their civil Establishment. But for the Taxes necessary for the Support and Well-being of the whole Empire, the Right of raising

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these,

these, and of assigning to each of the several Parts of it their respective Proportions, this is a Right which ever was, and ever must be inherent in that supreme Authority, which pervades and superintends the Whole; nor is there a single Word in the Charter which impeaches it.

The Charter is too long to be inserted; the Reader will find it at the End of *Neal's History*, and in many other Places.

I here give him the Clauses, to enable the General Court to make Laws, to name Offices, and to levy Taxes; which is the whole of it, that relates to the present Subject.

“ And we do further, for us, our Heirs and
 “ Successors, give and grant to the said Governor,
 “ and the Great and General Court or Assem-
 “ bly of our said Province or Territory, for
 “ the Time being, full Power and Authority,
 “ from Time to Time, to make, ordain, and
 “ establish all Manner of wholesome and reason-
 “ able Orders, Laws, Statutes, and Ordinances,
 “ Directions and Instructions, either with Penal-
 “ ties or without (so as the same be not repug-
 “ nant or contrary to the Laws of this our Realm
 “ of *England*) as they shall judge to be for the
 “ Good and Welfare of our said Province or Ter-
 “ ritory,

" ritory, and of the People inhabiting, or who
 " shall inhabit the same; and for the necessary
 " Support and Defence of the Government there-
 " of. And we do for us, our Heirs and Suc-
 " cessors, give and grant, that the said General
 " Court or Assembly shall have full Power and
 " Authority, to name and settle annually all civil
 " Officers within the said Province, such Officers
 " excepted, the Election and Constitution of
 " whom we have by these Presents reserved to us,
 " our Heirs and Successors, or to the Governor
 " of our said Province for the Time being; and
 " to set forth the several Duties, Powers, and
 " Limits of every such Officer to be appointed
 " by the said General Court or Assembly; and
 " the Forms of such Oaths, not repugnant to the
 " Laws and Statutes of this our Realm of *Eng-*
 " *land*, as shall be respectively administered unto
 " them for the Execution of their several Offices
 " and Places; and also to impose Fines, Mulcts,
 " Imprisonments, and other Punishments; and
 " to impose and levy proportionable and reason-
 " able Assessments, Rates, and Taxes, upon the
 " Estates and Persons of all and every the Pro-
 " prietors and Inhabitants of our said Province
 " or Territory, to be issued and disposed of by
 " Warrant under the Hand of the Governor of
 " our said Province for the Time being, with
 " the Advice and Consent of the Council, for our
 " Service

“ Service in the necessary Defence and Support
 “ of our Government of our said Province or
 “ Territory, and the Protection and Preservation
 “ of the Inhabitants there, according to such Acts
 “ as are or shall be in Force within our said Pro-
 “ vince.”

If now, under the limited Powers of the Crown since the Revolution, any Man can think, that by giving them Power to raise Money for the Purposes of their own provincial Government, King *William* intended to restrain his Parliament from the Power of taxing them for the public Service: Such an one must allow too, that the preceding Paragraph is equally restrictive; and that the Parliament is thereby debarred from making *Laws* for them; for that Power also is granted in the very same Terms, and is expressly declared to be for the necessary Support and Defence of Government.

Such an one must also suppose, that Lord *Somers* and the King's Judges, when they remarked it to the Agents as a capital Defect in their first Charter, that it gave to the Province no Power of raising Taxes, which yet they ever had and would be forced to do, and thereby forfeit their Charter; that the Defect, which they really meant, was, that they were not exempted from the Taxes of Parliament; and that therefore they inserted this
 Clause

Clause into the new one, to prevent their forfeiting their new Charter by submitting to it.

To complete the Absurdity, such an one must suppose, at the same Time that Lord *Somers* and the *English* Judges were so intent upon putting them out of the parliamentary Jurisdiction; that the Agents themselves were so very desirous of continuing under it; that when the Minutes of this Charter, vesting in the Colony the whole Power of Government, was shewn to them; they were all much dissatisfied with it; and that Mr. *Mather* the Chief of them declared, That he would sooner lose his Life than consent to it.

If these Suppositions appear too absurd to admit of the Reader's Belief, he will then agree with me, that, when the People of *New England* pretend to any Right of Exemption from the Taxes of Parliament, they may, if they please, seek for Proofs from other Topics of Argument, and derive it if they can from other Sources, but will never find it in their Charter.

MASSA-

Clause into the new one, to preserve the
ing their new Charter by the same

To complete the Abolition, it is one thing
suppose, as the late Times has done, and
the King's Judges were to be removed from
them out of the Parliament House; that
the Government's conduct was not of con-
sidering under it, that the business of the
Charter, vesting in the Crown, was a power
of Government, was given to the King, and
all which differed with it, and which was
the Chief of them declared, that it would be
lose his life than consent to it.

If these Suppositions were too absurd
to admit of the Doctor's belief, he will then
argue with me that, when the people of
England proceed to any kind of transaction from
the Taxes of Parliament, they may, if they please,
look for Proof from one or two of the
and derive it, they can from one or two of the
will never find it in their Charter.

1783

MASSACHUSETTS COLONY CHARTER*.

CHARLES by the Grace of God, King
of England, Scotland, France, and Ireland,
Defender of the Faith, &c.

To all to whom these Presents shall come, Greeting:

WHEREAS our most deare and royal
Father King James of blessed memory,
by his Highness's letters patents beareing date
at Westminster the third day of November, in
the eighteenth year of his reign, hath given and
granted unto the Councel established at Ply-
mouth in the county of Devon, for the planting,
ruling, ordering and governing of New-Eng-
land in America, and to their heirs successours
and assignes for ever: All that part of America
lying and being in breadth from fourty degrees
of northerly latitude from the equinoxtiall line,
to fourty eight degrees of the said northerly lati-
tude inclusively, and in length of and within all
the breadth aforesaid throughout the maine lands
from sea to sea, together also with all the firme
lands, soyles, grounds, havens, ports, rivers,
waters, fishing, mines and mineralls, as well
L 2 royall

* This first Charter of the Massachusetts Colony has never
been printed. There are very few Manuscript Copies of
it. Those are liable to so many accidents that it is
thought proper to publish it as the most likely means of
preventing it's being irrecoverably lost.

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royall mines of gould and silver, as other mines and mineralls, precious stones, quarries, and all and singular other commodities, jurisdictions, privileges, franchises and preheminences both within the said tract of land upon the maine, and also within the islands and seas adjoining. Provided always that the said islands or any the premisses by the said letters patent intended and meant to be granted were not then actually possessed or inhabited by any other christian prince, or state, nor within the bounds limits or territories of the southern colonies then before granted by our said deare father to be planted by such of his loving subjects in the southern parts. To have and to hold possess and enjoy all and singular the aforesaid continent, lands, territories, islands, hereditaments and precincts, seas, waters, fishings, with all and all manner their commodities, royalties, liberties, preheminences, and profits that should from thenceforth arise from thence with all and singular their appurtenances, and every part and parcel thereof, unto the said Council, and their successors and assignes for ever, to the sole and proper use, benefit and behoof of them the said Council and their successors and assignes forever: To be houlden of our said most dear and royal Father, his heirs and successors, as of his manor of East-Greenwich in the county of Kent, in free and common soccage, and not in Capite nor by knights service. Yielding and paying therefore to the said late King, his heirs and successors the fifth part of the oare of gould and silver which should from time to time and at all times thereafter happen to be found, gotten, had and obtained in, at, or within any of the said lands, limits, territories and precincts, or in or within any part
or

or parcel thereof, for or in respect of all and all manner of duties, demands and services whatsoever to be done made or paid to our said dear Father the late King, his heirs and successors; as in and by the said letters patent (amongst sundry other clauses, powers, privileges and grants therein contained) more at large appeareth. And whereas the said Council established at Plymouth in the county of Devon, for the planting, ruling, ordering and governing of New-England in America, have by their deed indented under their common seal, bearing date the nineteenth day of March last past, in the third year of our reign, given, granted, bargained, sold, enfeoffed, aliened and confirmed to Sir Henry Roswell, Sir John Young, knights, Thomas Southcott, John Humphrey, John Endicott and Symon Whetcomb, their heirs and associates forever, all that part of New-England in America aforesaid which lieth and extendeth between a great river there commonly called Monomack, alias Merrimack, and a certain other river there called Charles river, being the bottom of a certain bay there commonly called Massachusetts, alias Mattachusets, alias Massatusetts bay, and also all and singular those lands and hereditaments whatsoever lying and being within the space of three English miles on the south part of the said Charles river, or of any or every part thereof, and also all and singular the lands and hereditaments whatsoever, lying and being within the space of three English miles to the southward of the southermost part of the said bay called Massachusetts, alias Mattachusets, alias Massatusetts bay, and also all those lands and hereditaments which lye and be within the space of three English miles to the northward of the said river called Mono-

mack, alias Merrimack, or to the northward of any
 and every part thereof, and all lands and heredi-
 taments whatsoever, lying within the limits afore-
 said, north and south, in latitude and breadth,
 and in length and longitude, of and within all
 the breadth aforesaid, throughout the main lands
 there, from the Atlantic and western sea and
 ocean on the east part to the south sea on the
 west part, and all lands and grounds, place and
 places, soils, wood and wood grounds, havens,
 ports, rivers, waters, fishing and hereditaments
 whatsoever, lying within the said bounds and
 limits, and every part and parcel thereof, and
 also all islands lying in America aforesaid in the
 said seas or either of them on the western or
 eastern coasts or parts of the said tracts of lands
 by the said indenture mentioned to be given,
 granted, bargained, sold, enfeoffed, aliened
 and confirmed or any of them: And also all
 mines and mineralls, as well royall mines of
 gould and silver, as other mines and mineralls
 whatsoever in the said lands and premisses or any
 part thereof: And all jurisdictions, rights, roy-
 alties, liberties, freedoms, immunities, privi-
 ledges, franchises, preheminences, and commo-
 dities whatsoever, which they the said Councel
 established at Plymouth in the county of Devon
 for the planting ruling ordering and governing
 of New-England in America then had or might
 use exercise or enjoy, in and within the said
 lands and premisses by the said indenture men-
 tioned to be given, granted, bargained, sold,
 enfeoffed and confirmed, or in or within any part
 or parcel thereof. To have and to hold the
 said part of New-England in America which
 lyeth and extends and is abutted as aforesaid,
 and every part and parcel thereof; And all the
 said

said islands, rivers, ports, havens, waters, fish-
 ings, mines and minerals, jurisdictions, fran-
 chises, royalties, liberties, priviledges, commo-
 dities, hereditaments and premisses whatsoever,
 with the appurtenances, unto the said Sir Henry
 Rosewell, Sir John Younge, Thomas Southcott,
 John Humfrey, John Endecott and Symon Whet-
 comb, their heirs and assignes, and their asso-
 ciates, to the only proper and absolute use and
 behoof of the said Sir Henry Rosewell, Sir John
 Younge, Thomas Southcott, John Humfrey,
 John Endecott and Symon Whetcomb, their
 heires and assignes, and associates forevermore.
 To be houlden of us, our heirs and successors,
 as of our mannor of East Greenwich in the
 county of Kent, in free and common soccage,
 and not in Capite, nor by knights service, yield-
 ing and paying therefore unto us, our heirs and
 successors, the fifth part of the oare of gould
 and silver which shall from time to time and at
 all times hereafter happen to be found, gotten,
 had and obtained, in any of the said lands within
 the said limits, or in or within any part thereof,
 for and in satisfaction of all manner of duties,
 demands and services whatsoever, to be done,
 made or paid to us, our heirs or successors, as
 in and by the said recited indenture more at
 lardge may appear. Now know ye, that we,
 at the humble suite and petition of the said Sir
 Henry Rosewell, Sir John Younge, Thomas
 Southcott, John Humfrey, John Endecott and
 Symon Whetcomb, and of others whom they
 have associated unto them, Have, for divers good
 causes and considerations us moving, granted and
 confirmed, and by these presents of our especiall
 grace, certain knowledge and meere motion do
 grant

grant and confirm unto the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and to their associates hereafter named (videlicet) Sir Richard Saltonstall Knt. Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchoñ, and George Foxcroft their heirs and assignes, all the said part of New England in America, lyeing and extending betweene the bounds and limits in the said recited indenture expressed, and all lands and grounds, place and places, soyles, wood and wood grounds, havens, ports, rivers, waters, mines, mineralls, jurisdictions, rights, royalties, liberties, freedoms, immunities, privileges, franchises, preheminences, hereditaments and commodities whatsoever to them the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Simon Whetcombe, their heirs and assignes, and to their associates by the said recited indenture given granted bargained sould enfeoffed aliened and confirmed, or mentioned or intended thereby to be given granted bargained sould enfeoffed aliened and confirmed. To have and to hould the said part of New England in America and other the premisses hereby mentioned to be granted and confirmed and every part or parcell thereof with the appurtenances unto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas

mas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft, their heirs and assigns for ever, to their only proper and absolute use and behoof for evermore. To be holden of us our heirs and successors as of our manor of East Greenwich aforesaid in free and common soccage, and not in Capite nor by knights service, and also yielding, and paying therefore to us our heirs and successors the fifth part only of all oare of gould and silver, which from time to time and at all times hereafter shall be there gotten, had or obtained, for all services, exactions and demands whatsoever, according to the tenure and reservation in the said recited indenture expressed. And further know ye that of our more especiall grace, certain knowledge and meere motion we have given and granted, and by these presents do for us our heirs and successors give and grant unto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft,

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croft, their heirs and assignes, all that part of New-England in America which lies and extends between a great river there commonly called Monomack river, alias Merrymack river, and a certain other river there called Charles river, being in the bottom of a certain bay there commonly called Massachusets, alias Mattachusets, alias Massatusets bay, and also all and singular those lands and hereditaments whatsoever lying within the space of three English miles on the south part of the said river called Charles river, or of any or every part thereof, and also all and singular the lands and hereditaments whatsoever lying and being within the space of three English miles to the southward of the southermost part of the said bay called Massachusets, alias Mattachusets, alias Massatusets bay. And also all those lands and hereditaments whatsoever which lye and be within the space of three English miles to the northward of the said river called Monomack alias Merrymack, or to the northward of any and every part thereof, and all lands and hereditaments whatsoever lying within the limits aforesaid north and south in latitude and breadth, and in length and longitude of and within all the breadth aforesaid throughout the maine lands there from the Atlantick and western sea and ocean on the east part, to the south sea on the west parte, and all lands and grounds, place and places, foyles, wood and wood grounds, havens, ports, rivers, waters and hereditaments whatsoever lying within the said bounds and limits and every part and parcel thereof, and also all islands in America aforesaid in the said seas or either of them on the western or eastern coastes, or partes
of

of the said tracts of lands hereby mentioned to be given or granted or any of them, and all mines and mineralls as well royall mines of gould and silver as other mines and mineralls whatsoever in the said lands and premisses or any part thereof, and free liberty of fishing in or within any the rivers or waters within the bounds and limits aforesaid and the seas thereunto adjoining, and all fishes, royal fishes, whales, balan, sturgeon, and other fishes of what kind or nature soever that shall at any time hereafter be taken in or within the said seas or waters or any of them, by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft their heirs and assignes, or by any other person or persons whatsoever there inhabiting by them or any of them appointed to fish therein. Provided always that if the said lands islands or any other the premisses herein before mentioned, and by these presents intended and meant to be granted, were at the time of the granting of the said former letters patents dated the third day of November in the eighteenth yeare of our said deare fathers reigne aforesaid actually possessed or inhabited by any other christian prince or state, or were within the bounds, limits, or territories of that southerne colonie then before granted

by our said late father to be planted by divers of his loveing subjects in the south parts of America, that then this present grant shall not extend to any such parts or parcells thereof, so formerly inhabited or lying within the bounds of the southern plantation as aforesaid, but as to those parts or parcells so possessed or inhabited by such christian prince or state, or being within the bounds aforesaid, shall be utterly voide, these presents or any thing therein contained to the contrary notwithstanding. To have and to hould, possess and enjoy the said parts of New-England in America, which lye, extend and are abutted as aforesaid and every part and parcell thereof, and all the islands, rivers, ports, havens, waters, fishings, fishes, mines, minerals, jurisdictions, franchises, royalties, liberties, privileges, commodities and premisses whatsoever, with the appurtenances unto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon and George Foxcroft, their heirs and assignes forever, to the only proper and absolute use and behoofe of the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell,
Richard

Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft, their heirs and assignes forevermore. To be houlden of us, our heires and successours, as our mannor of East Greenwich in the county of Kent within our realme of England, in free and common soccage, and not in Capite, nor by knights service, and also yeelding and paying therefore to us, our heirs and successours the fifth part only of all oare of gould and silver which from time to time and at all times hereafter shall be there gotten, had or obtained, for all services, exactions and demands whatsoever. Provided alwayes and our expresse will {and meaneing is, that onely one fifth part of the gould and silver oare above mentioned in the whole, and no more, be reserved or payeable unto us, our heirs and successours, by colour or vertue of these presents, the double reservations or recitals aforesaid, or any thing therein contained notwithstanding. And for as much as the good and prosperous successe of the plantation of the said parts of New-England aforesaid intended by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassal, William Pinchon,

Pinchon, and George Foxcroft, to be speedily sett upon, cannot but chiefly depend, next under the blessing of Almighty God and the support of our royall authority, upon the good government of the same, to the end that the affairs and busineses which from time to time shall happen and arise concerning the said lands and the plantation of the same, may be the better managed and ordered, We have further hereby of our especiall grace, certain knowledge and meere motion, given, granted and confirmed, and for us, our heires and successours, do give, grant and confirme unto our said trustie and well-beloved subjects Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcomb, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon and George Foxcroft, and for us, our heires and successours, wee will and ordaine, That the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft, and all such
 I others

others as shall hereafter be admitted and made free of the companie and society hereafter mentioned shall from time to time and at all times forever hereafter be by virtue of these presents one body corporate politique in fact and name, by the name of the Governor and Companie of the Massachusetts Bay in New England: And them by the name of the Governor and Companie of the Massachusetts Bay in New-England, one body politique and corporate in deed fact and name, wee doe for us our heirs and successors make ordaine constitute and confirme by these presents, and that by that name they shall have perpetuall succession, and that by the same name they and their successors shall and may be capable and enabled, as well to impleade and to be impleaded, and to prosecute demand and answer, and be answered unto in all and singular suites, causes, quarrells, and actions of what kind and nature soever. And also to have, take, possesse, acquire and purchase any lands, tenements, or hereditaments, or any goods or chattells, the same to lease, grant, demise, alien, bargain, sell and dispose of as other our leige people of this our realme of England, or any other corporation or body politique of the same may lawfully doe. And further that the said Governor and Companie and their successors may have forever one common seale to be used in all causes and occasions of the said Companie, and the same seale may alter, change, break and new make from time to time at their pleasures. And our will and pleasure is, and we do hereby for us our heirs and successors ordaine and grant, that from henceforth for ever there shall be one Governor, one deputy Governor, and eighteen Assistants
of

of the same Companie to be from time to time constituted elected and chosen out of the freemen of the said Companie for the time beinge, in such manner and forme as hereafter in these presents is expressed. Which said officers shall apply themselves to take care for the best disposing and ordering of the generall business and affaires of for and concerning the said lands and premisses hereby mentioned to be granted, and the plantation thereof and the government of the people there. And for the better execution of our royall pleasure and grant in this behalfe, we do by these presents for us our heires and successors nominate, ordaine, make, and constitute our well beloved the said Matthew Craddock, to be the first and present Governor of the said Companie, and the said Thomas Goffe to be deputy Governor of the said Companie, and the said Sir Richard Saltonstall, Isaac Johnson, Samuel Aldersey, John Ven, John Humfrey, John Endecott, Symon Whetcombe, Increase Nowell, Richard Perry, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Browne, George Foxcroft, William Vassall, and William Pinchon to be the present Assistants of the said Companie to continue in the said severall offices respectively for such time and in such manner as in and by these presents is hereafter declared and appointed. And further we will and by these presents, for us our heires and successors do ordaine and grant that the Governor of the said Companie for the time being, or in his absence, by occasion of sickness or otherwise, the deputy Governor for the time being shall have authority from time to time upon all occasions

calions to give order for the assembling of the
 said Companie, and calling them together to
 consult and advise of the business and affaires of
 the said Companie. And that the said Governor,
 deputy Governor and Assistants of the said
 Companie for the time being shall or may once
 every month or oftener at their pleasures assemble
 and hould and keep a court or assembly of
 themselves for the better ordering and directing
 of their affairs. And that any seven or more
 persons of the Assistants together with the Go-
 vernor or deputy Governor so assembled shall be
 said, taken, held, and reputed to be, and shall
 be a full and sufficient court or assembly of the
 said Companie, for the handling, ordering and
 dispatching of all such businesses and occurrents,
 as shall from time to time happen, touching or
 concerning the said Companie or plantation, and
 that there shall or may be held and kept by the
 Governor or deputy Governor of the said Com-
 panie, and seven or more of the said Assistants
 for the time being upon every last Wednesday
 in Hillary, Easter, Trinity and Michaelmas
 Termes respectively for ever, one great gene-
 rall and solemn assembly, which four generall
 assemblies shall be stiled and called the foure
 greate and generall courts of the said Company:
 In all or any of which said greate and generall
 courts so assembled, We do for us, our heires
 and successours, give and grant to the said Go-
 vernour and Companie and their successours,
 that the Governour, or in his absence the de-
 puty Governour of the said Companie for the
 time being, and such of the Assistants and free-
 men of the said Companie as shall be present
 or the greater number of them so assembled,

whereof the Governour or deputy Governour and six of the Assistants at the least to be seven, shall have full power and authority to choose, nominate and appoint such and so many others as they shall thinke fitt, and that shall be willing to accept the same, to be free of the said Company and Body, and them into the same to admit, and to elect and constitute such officers as they shall thinke fitt and requisite for the ordering, managing and dispatching of the affaires of the said Governor and Companie and their successors, and to make lawes and ordinances for the good and welfare of the said Companie, and for the government and ordering of the said lands and plantation, and the people inhabiteing and to inhabite the same, as to them from time to time shall be thought meete. So as such lawes and ordinances be not contrary or repugnant to the laws and statutes of this our realme of England. And our will and pleasure is, and we do hereby for us, our heires and successors, establish and ordaine, That yearely once in the yeare forever hereafter, namely the last wednesday in Easter terme yearely, the Governour, deputy Governour and Assistants of the said Companie, and all other officers of the said Companie shall be in the generall court or assemblie to be held for that day or time newly chosen for the yeare insueing by such greater part of the said Companie for the time being, then and there present, as is aforesaid. And if it shall happen the present Governour, deputy Governour and Assistants by these presents appointed, or such as shall hereafter be newly chosen into their rooms, or any of them, or any other of the officers to be

appointed

appointed for the said Companie, to dye, or to be removed from his or their severall offices or places before the said generall day of election (whom we do hereby declare for any misdemeanor or defect to be removeable by the Governour, deputy Governour, Assistants and Companie, or such greater part of them in any of the publick courts to be assembled as is aforesaid) that then and in every such case it shall and may be lawfull to and for the Governour, deputy Governour, Assistants and Companie aforesaid, or such greater part of them so to be assembled as is aforesaid, in any of their assemblies to proceed to a new election of one or more others of their Companie in the room or place, rooms or places of such officer or officers so dyeing or removed according to their discretions. And immediately upon and after such election and elections made of such Governour, deputy Governour, Assistant or Assistants or any other officer of the said Companie in manner and forme aforesaid, the authority, office and power before given to the former Governour, deputy Governour, or other officer, and officers so removed, in whose stead and place new shall be so chosen, shall as to him and them and every of them cease and determine. Provided also, and our will and pleasure is that as well such as are by these presents appointed to be the present Governour, deputy Governour and Assistants of the said Companie, as those that shall succeed them, and all other officers to be appointed and chosen as aforesaid shall before they undertake the execution of their said offices and places respectively take their corporall oathes for their due and faithfull performance of their

duties in their severall offices and places, before such person or persons as are by these presents hereunder appointed to take and receive the same, that is to say, the said Matthew Craddock who is hereby nominated and appointed the present Governour of the said Companie shall take the said oathes before one or more of the Masters of our court of chancery for the time being, unto which Master or Masters of the Chancery we do by these presents give full power and authority to take and administer the said oath to the said Governour accordingly. And after the said Governour shall be so sworne, then the said deputy Governour and Assistants before by these presents nominated and appointed shall take the said severall oathes to their offices and places respectively belonging before the said Matthew Craddock the present Governour so sworne as aforesaid. And every such person as shall at the time of the annuall election, or otherwise upon death or removail, be appointed to be the new Governour of the said Companie shall take the oathes to that place belonging before the deputy Governour or two of the Assistants of the said Companie at the least for the time being. And the new elected deputy Governour and Assistants, and all other officers to be hereafter chosen as aforesaid from time to time shall take the oathes to their places respectively belonging before the Governour of the said Companie for the time being. Unto which said Governour, deputy Governour and Assistants, we do by these presents give full power and authority to give and administer the said oathes respectively, according to the true meaning herein before declared, without any commission or further warrant to be had and obtained of us,
our

our heirs and successors in that behalfe. And we do further of our especiall grace, certain knowledge and meere motion for us our heires and successors give and grant to the said Governour and Companie and their successors for ever by these presents, that it shall be lawfull and free for them and their assignes at all and every time and times hereafter, out of any of our realmes and dominions whatsoever, to take, leade, carry and transport for in and into their voyages, and for and towards the said plantation in New England all such and so many of our loving subjects or any other strangers that will become our loving subjects and live under our allegiance, as shall willingly accompany them in the same voyages and plantation, and also shipping armour weapons ordinance ammunition, powder, shott, corne, victuals, and all manner of clothing, implements, furniture, beasts, cattle, horses, mares, merchandizes, and all other things necessary for the said plantation, and for their use and defence, and for trade with the people there, and in passing and returning to and fro, any law or statute to the contrary hereof in any wise notwithstanding, and without paying or yeelding any custome or subsidie either inward or outward to us, our heires or successors, for the same, by the space of seven yeares from the day of the date of these presents. Provided that none of the said persons be such as shall be hereafter by speciall name restrained by us, our heires or successors. And for their further encouragement, of our especiall grace and favour, we do by these presents for us, our heires and successors, yeeld and grant to the said Governor and Companie and their successors and every
of

of them, their factors and assignes, that they and every of them shall be free and quitt from all taxes, subsidies and customes in New-England for the like space of seven yeares, and from all taxes and impositions for the space of twenty and one yeares upon all goods and merchandises at any time or times hereafter, either upon importation thither, or exportation from thence, into our realme of England, or into any other of our dominions, by the said Governour and Companie and their successors, their deputies, factors and assignes, or any of them, except only the five pounds per centum due for custome upon all such goods and merchandises, as after the said seven yeares shall be expired shall be brought or imported into our realme of England, or any other of our dominions, according to the ancient trade of merchants, which five pounds per centum onely being paid, it shall be thenceforth lawfull and free for the said adventurers the same goods and merchandizes to export and carry out of our said dominions into forreine parts, without any custome, taxe or other duty to be paid to us, our heires or successors, or to any other officers or ministers of us, our heires and successors. Provided that the said goods and merchandizes be shipped out within thirteen months after their first landing within any part of the said dominions. And we do for us, our heires and successors, give and grant unto the said Governour and Companie and their successors, that whensoever, or so often as any custome or subsidie shall grow due or payable unto us, our heires or successors, according to the limitation and appointment aforesaid, by reason of any goods, wares

or

or merchandises to be shipped out, or any return to be made of any goods, wares or merchandises, unto or from the said parts of New-England hereby mentioned to be granted as aforesaid, or any the lands and territories aforesaid, that then and so often and in such case the farmers customers and officers of our customes of England and Ireland, and every of them for the time being, upon request made to them by the said Governor and Company or their successors, factors, or assignes, and upon convenient security to be given in that behalfe, shall give and allowe unto the said Governour and Companie and their successors, and to all and every person and persons free of that Companie as aforesaid, six months time for the payment of the one halfe of all such custome and subsidie as shall be payable unto us, our heires and successors, for the same, for which these our letters patents, or the duplicate or the inrollment thereof, shall be unto our said officers a sufficient warrant and discharge. Nevertheless, our will and pleasure is, that any of the said goods, wares and merchandises which be or shall be at any time hereafter landed or exported out of any of our realmes aforesaid, and shall be shipped with a purpose not to be carried to the parts of New-England aforesaid, but to some other place, that then such payment, dutie, custome, imposition or forfeiture shall be paid or belong to us, our heires and successors, for the said goods, wares and merchandise so fraudulently sought to be transported, as if this our grant had not been made or granted. And wee do further will and by these presents for us, our heirs and successors, firmly enjoin and commande as well the Treasurer,

Chancellor and Barons of the Exchequer of us, our heires and successors, as also all and singular the customers, farmers and collectors of the customes, subsidies and imposts, and other the officers and ministers of us, our heires and successors, whatsoever for the time being, that they and every of them, upon the shewing forth unto them of these letters patents, or the duplicate or exemplification of the same, without any other writt or warrant whatsoever from us, our heires or successors, to be obtained or sued forth, do and shall make full, whole, entire and due allowance and cleare discharge unto the said Governour and Companie and their successors, of all customes, subsidies, impositions taxes and duties whatsoever that shall or may be claymed by us, our heires and successors, of or from the said Governour and Companie and their successors, for or by reason of the said goods, chattels, wares, merchandises and premises to be exported out of our said dominions, or any of them, into any part of the said lands or premises hereby mentioned to be given, granted and confirmed, or for or by reason of any of the said goods, chattels, wares or merchandises to be imported from the said lands and premises hereby mentioned to be given, granted and confirmed, into any of our said dominions or any part thereof as aforesaid, excepting only the said five pounds per centum hereby reserved and payable after the expiration of the said terme of seven years as aforesaid and not before. And these our letters patents, or the inrollment duplicate or exemplification of the same shall for ever hereafter from time to time, as well to the Treasurer, Chancellor and

Barons

Batons of the Exchequer of us our heires and successors, as to all and singular the customers, Farmors and Collectors of the customs subsidies and imposts of us our heires and successors, and all searchers and other the officers and ministers whatsoever of us our heires and successors for the time being a sufficient warrant and discharge in this behalfe. And further our will and pleasure is, and we doe hereby for us, our heires and successors, ordaine, declare and grant to the said Governour and Companie and their successors, That all and every the subjects of us, our heires or successors, which shall goe to and inhabite within the said lands and premisses hereby mentioned to be granted, and every of their children which shall happen to be borne there, or on the seas in going thither or returneing from thence, shall have and enjoy all liberties and immunities of free and naturall subjects within any of the dominions of us, our heires or successors, to all intents, constructions and purposes whatsoever, as if they and every of them were borne within the realme of England. And that the Governour and deputy Governour of the said Companie for the time being or either of them, and any two or more of such of the said Assistants as shall be thereunto appointed by the said Governour and Companie at any of their courts or assemblies to be held as aforesaid, shall and may at all tymes and from tyme to tyme hereafter have full power and authority to administer and give the oath and oathes of supremacie and allegiance or either of them to all and every person and persons which shall at any tyme or tymes hereafter goe or passe to the lands and premisses hereby mentioned to be granted to inhabite in the

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same.

same. And wee do of our further grace, cer-
 taine knowledge and meere motion give and grant
 to the said Governor and Companie and their
 successors, that it shall and may be lawfull to
 and for the Governour or deputy Governor and
 such of the Assistants and Freemen of the said
 Company for the tyme being as shall be assembled
 in any of their generall courts aforesaid, or in any
 other courts to be specially summoned and
 assembled for that purpose, or the greater part
 of them (whereof the Governour or deputy
 Governor and fixe of the Assistants to be always
 seven) from tyme to tyme to make, ordaine and
 establish all manner of wholesome and reasonable
 orders, laws, statutes and ordinances, directions
 and instructions not contrary to the lawes of this
 our realme of England, as well for the settling
 of the formes and ceremonies of government
 and magistracie fitt and necessary for the said
 plantation and the inhabitants there, and for
 nameing and styling of all sorts of officers both
 superiour and inferiour which they shall find
 needful for that government and plantation, and
 the distinguishing and setting forth of the severall
 duties, powers and limits of every such office
 and place, and the formes of such oathes war-
 rantable by the lawes and statutes of this our
 realme of England as shall be respectively
 ministred unto them, for the execution of the
 said severall offices and places, as also for the
 disposing and ordering of the elections of such
 of the said officers as shall be annuall, and of
 such others as shall be to succeed in case of death
 or removall, and ministring the said oathes to
 the new elected officers, and for imposition of
 lawfull fynes, mulcts, imprisonment or other
 lawfull

lawfull correction, according to the course of other Corporations in this our realme of England, and for the directing, ruleing and disposing of all other matters and things whereby our said people inhabiting there may be so religiously, peaceably and civilly governed, as their good life and orderly conversation may winne and invite the natives of that country to the knowledge and obedience of the onely true God and Saviour of mankind, and the christian faith, which in our royall intention and the adventurers free profession is the principal end of this plantation. Willing, commanding and requiring, and by these presents for us, our heires and successors, ordaineing and appointing, that all such orders, lawes, statutes and ordinances, instructions and directions as shall be made by the Governour or deputy Governour of the said Company and such of the Assistants and Freemen as aforesaid and published in writing under their common seale, shall be carefully and duely observed, kept, performed and putt in execution according to the true intent and meaneing of the same. And these our letters patents or the duplicate or exemplification thereof shall be to all and every such officers, superiour and inferiour, from tyme to tyme, for the putting of the same orders, lawes, statutes and ordinances, instructions and directions in due execution against us, our heirs and successors, a sufficient warrant and discharge. And we doe further for us, our heirs and successors, give and grant to the said Governor and Companie and their successors, by these presents, That all and every such chiefe commanders, captains, governours and other officers and ministers, as by the said orders, lawes, sta-

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tutes,

tutes, ordinances, instructions or directions of the said Governour and Companie for the tyme being, shall be from tyme to tyme hereafter imployed either in the government of the said inhabitants and plantation, or in the way by sea thither or from thence, according to the natures and limits of their offices and places respectively, shall from tyme to tyme hereafter forever within the precincts and parts of New-England hereby mentioned to be granted and confirmed, or in the way by sea thither, or from thence, have full and absolute power and authority to correct, punish, pardon, governe and rule all such the subjects of us, our heirs and successors as shall from tyme to tyme adventure themselves in any voyage thither or from thence, or that shall at any tyme hereafter inhabite within the precincts and parts of New-England aforesaid, according to the orders, lawes, ordinances, instructions and directions aforesaid, not being repugnant to the lawes and statutes of our realme of England as aforesaid. And wee do further for us, our heirs and successors, give and grant to the said Governour and Companie and their successors, by these presents, That it shall and may be lawful to and for the chief commanders, governors and officers of the said companie for the tyme being, who shall be resident in the said part of New-England in America by these presents granted, and others there inhabiteing, by their appointment and direction from tyme to tyme and at all tymes hereafter, for their speciall defence and safety to incounter, repulse, repell and resist by force of armes, as well by sea as by land, and by all fitting wayes and meanes whatsoever, all such person and persons as shall at any tyme hereafter attempt

attempt

attempt or enterprife the destruction, invafion, detriment or annoyance to the faid plantation or inhabitants: And to take and furprife by all wayes and meanes whatfoever all and every fuch perfon and perfons, with their fhipps, armour, munition and other goods as fhall in hostile manner invade and attempt the defeatinge of the faid plantation, or the hurt of the faid Companie and inhabitants. Neverthelefs, our will and pleafure is, and we do hereby declare to all Chriftian Kings, Princes and States, That if any perfon or perfons which fhall hereafter be of the faid Companie or plantation, or any other by lycenfe or appointment of the faid Governour and Companie for the tyme being, fhall at any tyme or tymes hereafter, robb or spoyle by fea or by land, or do any hurt, violence, or unlawfull hostility to any of the fubjects of us, our heires or fucceffors, or any of the fubjects of any Prince or State being then in league and amity with us, our heires and fucceffors, and that upon fuch injury done, and upon juft complaint of fuch Prince or State or their fubjects, Wee, our heires or fucceffors fhall make open proclamation within any of the parts within our realme of England commodious for that purpofe, that the perfon or perfons having committed any fuch robbery or spoyle, fhall within the terme limited by fuch a proclamation make full reftitution or fatisfaction of all fuch injuries done, fo as the faid Princes or others fo complaining may hould themfelves fully fatisfied and contented. And that if the faid perfon or perfons having committed fuch robbery or spoyle fhall not make or caufe to be made fatisfaction accordingly, within fuch tyme fo to be lymited, that then

then it shall be lawfull for us, our heires and
 successors, to putt the said person or persons out
 of our allegiance and protection; and that it
 shall be lawfull and free for all Princes to pro-
 secute with hostility the said offenders and every
 of them, their and every of their procurers,
 ayders, abettors and consortes in that behalfe.
 Provided also, and our expresse will and pleasure
 is, and wee do by these presents for us, our
 heires and successors, ordaine and appoint, that
 these presents shall not in any manner enure, or
 be taken to abridge, barre or hinder any of our
 lovinge subjects whatsoever to use and exercise
 the trade of fishing upon that coast of New-Eng-
 land in America by these presents mentioned to
 be granted: But that they or any and every or
 any of them shall have full and free power and
 liberty to continue and use their said trade of
 fishing upon the said coast in any of the seas
 thereunto adjoineing, or any armes of the seas
 or salt-water rivers where they have beene wont
 to fish, and to build and set up upon the lands
 by these presents granted such wharves, stages
 and workhouses as shall be necessary for the salt-
 ing, drying, keeping and packing up of their
 fish to be taken or gotten upon that coast; and
 to cut downe and take such trees and other
 materialls there growing, or being, or shall be
 needfull for that purpose, and for all other
 necessary easements, helps and advantage con-
 cerning their said trade of fishing there in such
 manner and forme as they have beene heretofore
 at any tyme accustomed to doe, without makeing
 any wilfull waste or spoyle, any thing in these
 presents contained to the contrary notwithstanding.
 And we do further for us our heires and
 successors

successors ordaine and grant the said Governour and Companie and heires successors by these presents, that these our letters patents shall be firme good effectual and available in all things and to all intents and constructions of lawe, according to our true meaning herein before declared, and shall be construed reputed and adjudged in all cases most favourably on the behalfe and for the benefit and behoofe of the said Governour and Companie and their successors. Although expresse mention of the true yearly value or certainty of the premisses, or any of them, or of any other gifts or grants by us or any other of our progenitors or predecessors to the foresaid Governour and Companie before this time made, in these presents is not made, or any statute, act, ordinance, provision, proclamation or restraint to the contrary thereof heretofore had, made, published, ordained or provided, or any other matter cause or thing whatsoever to the contrarie thereof in any wise notwithstanding. In witnes whereof we have caused these our letters to be made patent. Witness ourselves at Westminster, the fourth Day of March in the fourth yeare of our reigne.

This is a true copy of such letters patents under the great seal of England. In testimony whereof I John Winthrop governour of the Mattachusetts aforesaid have caused the publick seal of the same to be hereunto affixed this 19th day of the month called March 1643.

1644.



John Winthrop, Gov.

THE UNIVERSITY OF CHICAGO

The following Account of a Conference, between the late Mr. Grenville and the Colony Agents, occasioned last year by a Speech of Mr. Burke's, ascertains a very material point of History; and is therefore thought worthy of being more generally known.

THE Agent for *New-York* in a printed Speech, said to have been made in the House of Commons, has inserted the following Paragraph.

“ THERE is also another Circulation abroad
 “ (spread with a malignant intention, which I
 “ cannot attribute to those who say the same thing
 “ in this House) that Mr. *Grenville* gave the Co-
 “ lony-Agents an Option for their Assemblies to
 “ Tax themselves; which they had refused. I find
 “ that much Stress is laid on this, as a Fact.
 “ However, it happens neither to be true nor pos-
 “ sible. I will observe first, that Mr. *Grenville*
 “ never thought fit to make this Apology for him-
 “ self in the innumerable debates that were had
 “ upon this subject. He might have proposed
 “ to the Colony-Agents, that they should agree in
 “ some *Mode* of Taxation, as the Ground of an
 “ Act of Parliament: but he never could have
 “ proposed that they should Tax themselves on
 “ Requisition; which is the Assertion of the Day.
 “ Indeed, Mr. *Grenville* well knew, that the Colo-
 “ ny-Agents could have no general Powers to
 “ consent to it; and they had no Time to consult
 “ their

“ their Assemblies for particular Powers, before
 “ he passed his first Revenue Act. If you com-
 “ pare Dates you will find it impossible.”

After having so often admired the perspicuity as well as the luxuriant Eloquence of this Author, I think it a singular Infelicity, to find this only Paragraph so very obscure, that I am utterly at a Loss to guess at its Meaning. What the uninformed Reader will be led to conclude from it, is obvious enough. But, after a careful Perusal, I confess that I cannot determine what it is, which the Writer wishes to affirm, or to deny.

Without attempting therefore to penetrate into the Meaning of a Sentence guarded within such well-chosen Terms of Ambiguity, I shall give a plain Narration of Facts, which fell within my own Knowledge, and which, therefore, I think it a Debt, due from me to Mr. Grenville's Memory, to relate.

In the Beginning of *March 1764*, a Number of Resolutions, relative to the Plantation Trade, were proposed by Mr. Grenville, and passed in the House of Commons.

The Fifteenth of these was: “ That, towards
 “ the further defraying the said Expences, it may
 “ be proper to charge certain Stamp Duties in the
 “ said Colonies and Plantations.”

The

The other Resolutions were formed into the Plantation Act: but the Fifteenth was put off till the next session: Mr. Grenville declaring, that he was willing to give Time to the Colonies to consider of it, and to make their Option of raising that, or some other Tax. The Agents waited separately on Mr. Grenville upon this Matter, and wrote to their several Colonies. At the End of the Sessions we went to him, all of us together, to know if he still intended to bring in such a Bill. He answered, he did. And then repeated to us in Form, what I had before heard him say in private, and in the House of Commons: • That the late War had found us Seventy Millions, and left us more than one hundred and forty Millions, in Debt. He knew that all Men wished not to be Taxed: But that in these unhappy Circumstances, it was his Duty, as a Steward for the Public, to make use of every just Means of improving the Public Revenue: That he never meant, however, to charge the Colonies with any Part of the Interest of the National Debt. But, besides that Public Debt, the Nation had incurred a great Annual Expence in the Maintaining of the several new Conquests, which we had made during the War, and by which the Colonies were so much benefited. That the *American* Civil and Military Establishment, after the Peace of *Aix-la-Chapelle*, was only £70,000 per Ann. It was now increased to £350,000. This was a great Additional Expence incurred upon an *American* Account: And he thought,

thought, therefore, that *America* ought to contribute towards it. He did not expect that the Colonies should raise the whole; but some Part of it he thought they ought to raise. And this Stamp Duty was intended for that Purpose.

‘ That he judged this Method of raising the Money the easiest and most equitable; That it was a Tax which would fall only upon Property; would be collected by the fewest Officers; and would be equally spread over *America* and the *West Indies*; so that all would bear their Share of the Public burthen.’

He then went on: “ I am not, however, set upon this Tax: If the *Americans* dislike it, and prefer any other Method of raising the Money themselves, I shall be content. Write therefore to your several Colonies; and if they choose any other Mode, I shall be satisfied, provided the Money be but raised.”

Upon reading over this Narration with Mr. *Montagu*, who was then Agent for *Virginia*, and present at this Conference with Mr. *Grenville*, I have his Authority to say, that he entirely assents to every Particular.

All these Particulars I had before heard from Mr. *Grenville*, in the House of Commons, and at his own House; and had wrote to the *Massachusetts* Assembly accordingly.

The

The following Extracts contain their Answer on this Head.

Boston, June 14, 1764.

S I R,

" The House of Representatives have received
" your several Letters, &c. * * * * *

" The Actual laying the Stamp Duty," you
say, " is deferred till next year; Mr. Grenville be-
" ing willing to give the Provinces their Option
" to raise that, or some equivalent Tax; desirous,
" as he was pleased to express himself, ' to con-
" sult the Ease and Quiet, and the Good Will
" of the Colonies.'

" If the ease, the Quiet, and the Good Will
" of the Colonies are of any Importance to Great
" Britain, no Measures could be hit upon, that
" have a more natural and direct tendency to
" enervate those Principles, than the Resolution
" you inclosed.

" The kind Offer of suspending the Stamp Duty
" in the Manner, and upon the Condition, you
" mention, amounts to no more than this, That if
" the Colonies will not tax themselves, as they
" may be directed, the Parliament will tax them.

" You are to remonstrate against these Mea-
" sures, and, if possible to obtain a Repeal of the
" Sugar Act, and prevent the Imposition of any

" further

" further duties or Taxes on the Colonies. Measures will be taken that you may be joined by all the other Agents."

One of these measures was the printing this Letter, and sending it to the other Colony Assemblies.

After their own express Acknowledgement, therefore, no one, I suppose will doubt, but that they had the Offer of raising the Money themselves; and that they refused it. Which is all that I am concerned to prove.

ISRAEL MAUDUIT.



P. S. The Agent for Georgia, long ago printed his Account of this Matter, which exactly agrees with the foregoing. I do not quote it, because I could wish that every Gentleman would read the Book itself; which contains so much Authentic Knowledge upon the Subject, as will abundantly reward him for his Perusal. 'Twas printed for Almon; and is called, "A Review of the Controversy between Great Britain and her Colonies." The passage here referred to, is in p. 198.

